

Helen Politz - 11/13/08

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN POLITZ AND HELEN POLITZ

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08CV18-LTS-RHW

NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY,
U.S. SMALL BUSINESS ADMINISTRATION,
AND JOHN DOES 1 THROUGH 9

DEFENDANTS

DEPOSITION OF HELEN POLITZ

Taken at the instance of the Defendants at the
offices of taken at Watkins Ludlam, Gulfport,
Mississippi, Mississippi, on November 13, 2008,
beginning at approximately 9:00 a.m.

APPEARANCES:

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COUNSEL FOR DEFENDANTS

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Exhibit 4

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<p>Also Present Lynda Marshall, Videographer</p> <p>Reported By: Julie Brown, CSR #1587 Brooks Court Reporting Post Office Box 2632 Jackson, Mississippi 39207 (601) 362-1995</p>	<p style="text-align: right;">Page 4</p> <p>Exhibit 6 - Property Loss Report by Mr. Phillips 141</p> <p>Exhibit 7 - 10/1/2005 Nationwide Document 150</p> <p>Exhibit 13 - 10/1/2005 Claim Check 152</p> <p>Exhibit 17 - Reservation of Rights Letter 154</p> <p>Exhibit 14 - 11/9/2005 Check 155</p> <p>Exhibit 11 - Loan Receipt 159</p> <p>Exhibit 18 - 1/10/2006 Letter 164</p> <p>Exhibit 8 - Itemized List 167</p> <p>Exhibit 15 - 5/2/2006 Check 168</p> <p>Exhibit 20 - 4/18/2007 Letter 169</p> <p>Exhibit 10 - 7/17/2007 Nationwide Report 170</p> <p>Exhibit 16 - 7/19/2007 Check 171</p> <p>Exhibit 77 - Letter 178</p> <p>Exhibit 46 - First Horizon Statement 192</p> <p>Exhibit 51 - Tax Assessor's Document 194</p> <p>Exhibit 49 - Mississippi Development Authority Flood Elevation Grant Program Application 199</p> <p>Exhibit 44 - Document from MDA Grant Application 203</p> <p>Exhibit 45 - 4/19/2006 Document from MDA Grant Application 205</p> <p>Exhibit 50 - MDA Document, "Closing To-Do List" 206</p> <p>Exhibit 68 - Complaint 214</p>																																		
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<p>1 morning and the afternoon go as quickly as possible.</p> <p>2 A. Okay. Sounds good to me.</p> <p>3 Q. Okay. Have you ever been deposed before?</p> <p>4 A. What do you mean by "deposed"?</p> <p>5 Q. Have you ever sat in a room like this</p> <p>6 under oath and given a deposition?</p> <p>7 A. No, I haven't.</p> <p>8 Q. Okay. Well, my job today is to ask you</p> <p>9 questions that you can understand and that you can</p> <p>10 hear.</p> <p>11 A. Okay. Excuse me. Can I say one thing?</p> <p>12 Q. Sure.</p> <p>13 A. I did do a -- a type of deposition</p> <p>14 before, but not like this.</p> <p>15 Q. Okay. Okay. Well, my job is to ask you</p> <p>16 questions that you can understand and that you can</p> <p>17 hear. And your job today is to answer those</p> <p>18 questions as fully and completely and truthfully as</p> <p>19 you can to your -- the best of your ability. Is</p> <p>20 that fair?</p> <p>21 A. Sure.</p> <p>22 Q. Let me know if you don't hear or you</p> <p>23 don't understand a question that I ask. If that's</p> <p>24 the case, then I'll be happy to rephrase the</p> <p>25 question for you. Okay?</p>	<p>1 Q. Can you state your full name for the</p> <p>2 record?</p> <p>3 A. Helen J. Politz.</p> <p>4 Q. And what is your home address?</p> <p>5 A. 1244 Harbor Drive, Unit 118, Slidell,</p> <p>6 Louisiana.</p> <p>7 Q. And what is your date of birth?</p> <p>8 A. 1/2/41.</p> <p>9 Q. Is there any reason why you cannot give</p> <p>10 full and fair and complete answers today?</p> <p>11 A. Not that I know of.</p> <p>12 Q. How did you prepare for your deposition</p> <p>13 today?</p> <p>14 A. I just came.</p> <p>15 Q. Did you meet with counsel from the Denham</p> <p>16 Law Firm?</p> <p>17 A. Yes.</p> <p>18 Q. Who did you meet with?</p> <p>19 MR. EMBRY: Mr. Embry.</p> <p>20 A. Mr. Embry. I'm sorry. I just met him</p> <p>21 this morning and the names skipped me. Sorry about</p> <p>22 that.</p> <p>23 MR. EMBRY: That's fine.</p> <p>24 Q. And you met him this morning you said?</p> <p>25 A. Yes.</p>
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<p>1 A. Okay.</p> <p>2 Q. If you do answer though, I'm going to</p> <p>3 assume that you heard the question and you also</p> <p>4 understood the question. Is that fair?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. You need to answer out loud. We</p> <p>7 have a court reporter here who's taking down</p> <p>8 everything that you say. And so if you nod your</p> <p>9 head or say uh-huh (affirmative response), it's</p> <p>10 difficult for her to get the transcript down.</p> <p>11 A. I understand.</p> <p>12 Q. So in addition, sometimes my questions</p> <p>13 are going to be very obvious to you and you're going</p> <p>14 to know the answer before I finish my question. But</p> <p>15 in order to get a clean transcript and a clean</p> <p>16 record, if you can wait until I complete my question</p> <p>17 and then I'll stop and allow you to complete your</p> <p>18 answer. Is that fair?</p> <p>19 A. Okay.</p> <p>20 Q. Let me know if you need to take a break</p> <p>21 for any reason. We can stop. But if you do need to</p> <p>22 take a break, what I'd ask is that you answer the</p> <p>23 question that I've asked you before we stop and</p> <p>24 break. Is that fair?</p> <p>25 A. Yes.</p>	<p>1 Q. And approximately how long did you meet</p> <p>2 with him?</p> <p>3 A. About 20 minutes.</p> <p>4 Q. Have you met with anyone else with the --</p> <p>5 at the Denham Law Firm to prepare for your</p> <p>6 deposition today?</p> <p>7 A. Yes. Oh, not for today, but before.</p> <p>8 There was a mix-up in the timing somehow.</p> <p>9 Q. Okay. And who did you meet with then?</p> <p>10 A. I met with Christopher Carter.</p> <p>11 Q. Anyone else?</p> <p>12 A. And I met with his secretary, Elizabeth I</p> <p>13 think is her name.</p> <p>14 Q. Do you recall when you met with them?</p> <p>15 A. Not the exact dates, but more than once.</p> <p>16 Q. How many times?</p> <p>17 A. Probably three or four.</p> <p>18 Q. Did you -- and you say "three or four,"</p> <p>19 on three or four separate days?</p> <p>20 A. Yeah, separate occasions.</p> <p>21 Q. Did you review any documents with</p> <p>22 counsel?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall what those documents were?</p> <p>25 A. No, not right now.</p>

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<p>1 Q. Do you know how many documents you looked 2 at?</p> <p>3 A. I don't remember.</p> <p>4 Q. Did any of those documents help refresh 5 your recollection about the matters in this case?</p> <p>6 A. Yes, somewhat.</p> <p>7 Q. If you could think back, what was the 8 subject matter of these documents?</p> <p>9 A. The subject matter of the documents, I 10 just don't remember right now that much.</p> <p>11 Q. Well --</p> <p>12 A. I remember things we talked about, but 13 not specifically documents.</p> <p>14 Q. Okay. But it is your testimony that you 15 did look at documents?</p> <p>16 A. Yes.</p> <p>17 Q. Can you give me a range of about how many 18 documents you looked at?</p> <p>19 A. Can I ask you a question?</p> <p>20 Q. Sure.</p> <p>21 A. Does that mean all the documents that I 22 have gotten through the mail from the law firm 23 keeping me updated as to what's happening?</p> <p>24 Q. What I'm asking is, when you were meeting 25 with counsel on the three to four occasions, can you</p>	<p>1 they were subpoenaing.</p> <p>2 Q. Okay.</p> <p>3 A. And that refreshed my memory as to 4 whether I knew that person or not.</p> <p>5 Q. Okay.</p> <p>6 A. And the memory of where I had saw that 7 person and what had been said and what had been 8 done.</p> <p>9 Q. Okay. Do you recall what person you're 10 talking about?</p> <p>11 A. Yeah. One in particular from Florida, 12 Kalachi (phonetic).</p> <p>13 Q. Okay.</p> <p>14 A. I think they are subpoenaing him. He's a 15 meteorologist.</p> <p>16 Q. Anyone else that you remember?</p> <p>17 A. Well, Nationwide sent an attorney for a 18 mediation. And that's the first person that I had 19 seen from Nationwide.</p> <p>20 Q. Okay.</p> <p>21 A. I had talked to several and I had asked 22 to meet with them, but they found a reason not to 23 meet with me. They didn't let me know when they 24 were going to be at my home doing things so that I 25 could be there to talk with them and to understand</p>
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<p>1 give me a range, and during those meetings, 2 approximately how many documents you looked at?</p> <p>3 A. I don't know. Maybe five.</p> <p>4 Q. Okay. And do you know -- and you said 5 they helped refresh your recollection. In what way 6 did they do that?</p> <p>7 A. Well, at the time, it helped me to 8 understand what was happening in the process between 9 using an attorney and my case. And kind of helped 10 me to understand what was going on.</p> <p>11 Q. Okay. When you say helped you understand 12 the process and helped you understand what was going 13 on, what did it inform you of?</p> <p>14 A. Of what has to be done, like depositions 15 that may come up, mediations that came up. 16 Different things like that, that in the processing 17 things to get -- to try to get things settled or 18 either go to court.</p> <p>19 Q. What I'm trying to understand is you say 20 that you looked at documents. They refreshed your 21 recollection. I'm trying to understand how they 22 refreshed your recollection if you don't -- you 23 don't know what those documents were?</p> <p>24 A. Well, some of the documents that I 25 received from them was just a copy of people that</p>	<p>1 what was going on.</p> <p>2 Q. Let me ask -- let me go back to the 3 documents that refreshed your recollection.</p> <p>4 A. Okay.</p> <p>5 Q. We can -- we can get to that a little bit 6 later this afternoon.</p> <p>7 A. Okay.</p> <p>8 Q. But when you talk about you said you saw 9 documents about subpoenas and people that were being 10 subpoenaed.</p> <p>11 A. Uh-huh (affirmative response).</p> <p>12 Q. And you mentioned Mr. Kalachi, are there 13 any other documents that you recall reviewing with 14 your counsel?</p> <p>15 A. Well, one document that when he filed 16 suit of what he was sending to Nationwide, the 17 reason for this lawsuit.</p> <p>18 Q. Was it a letter?</p> <p>19 A. It was a document letter of some sort. 20 It was a copy of the document that he sent to 21 Nationwide to let them know we were filing suit.</p> <p>22 Q. Okay. So aside from the subpoena of 23 Mr. Kalachi and this document that your attorney 24 sent to Nationwide, any other documents that you 25 recall reviewing with counsel?</p>

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<p>1 A. Not -- not at this moment.</p> <p>2 Q. Okay. Ms. Politz, how old are you?</p> <p>3 What's your age?</p> <p>4 A. 67.</p> <p>5 Q. And where did you go to high school?</p> <p>6 A. I went to Walker High School. I mean,</p> <p>7 Doyle High School. Walker Elementary. Both little</p> <p>8 schools.</p> <p>9 Q. Where is -- where is Doyle High School?</p> <p>10 A. It's in Livingston Parish in Louisiana.</p> <p>11 Q. And what year did you graduate?</p> <p>12 A. '59.</p> <p>13 Q. Did you attend college after graduating</p> <p>14 high school?</p> <p>15 A. No, I didn't.</p> <p>16 Q. Do you have any additional education</p> <p>17 beyond high school diploma?</p> <p>18 A. No. Actually, I did not graduate at the</p> <p>19 school. I graduated later. Not graduated, but I</p> <p>20 went to GED.</p> <p>21 Q. Okay. How many years of high school did</p> <p>22 you complete at Doyle?</p> <p>23 A. At Doyle, I think I went through two.</p> <p>24 Eighth and ninth, I believe. And then I quit</p> <p>25 school. That was something quite common out there</p>	<p>1 A. From '55 to '87.</p> <p>2 Q. And what --</p> <p>3 A. So I guess 22 -- 32 -- it would be</p> <p>4 32 years.</p> <p>5 Q. And what was the reason for the</p> <p>6 dissolution of the marriage?</p> <p>7 A. He died.</p> <p>8 Q. During that marriage, did you work</p> <p>9 outside the home?</p> <p>10 A. Yes, I did.</p> <p>11 Q. What jobs did you have?</p> <p>12 A. I worked at grocery stores.</p> <p>13 Q. In what capacity?</p> <p>14 A. I worked in meat markets, eventually</p> <p>15 cashiering, then office, then all over the grocery</p> <p>16 store.</p> <p>17 Q. Do you have any children from your first</p> <p>18 marriage?</p> <p>19 A. Three.</p> <p>20 Q. And what are their names and ages?</p> <p>21 A. Shellene. Do you want her married name?</p> <p>22 Q. Is that her first name, Shellene?</p> <p>23 A. Uh-huh (affirmative response).</p> <p>24 Q. And yes, what's her last name?</p> <p>25 A. Blount, B-L-O-U-N-T.</p>
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<p>1 where I lived in the country back then. But later</p> <p>2 on, I went to a vocational school in Baton Rouge and</p> <p>3 got a GED and went to LSU and took a test and passed</p> <p>4 and got my GED through LSU.</p> <p>5 Q. What year did you receive your GED; do</p> <p>6 you recall?</p> <p>7 A. I don't remember for sure. It was '80 or</p> <p>8 '81, something like that. It was quite a few years</p> <p>9 later.</p> <p>10 Q. After you left Doyle High School, what</p> <p>11 did you?</p> <p>12 A. I got married. Had children.</p> <p>13 Q. When did you -- when did you get married?</p> <p>14 A. In '55.</p> <p>15 Q. And how old were you at that time?</p> <p>16 A. 14.</p> <p>17 Q. And did you marry Mr. Politz at that</p> <p>18 time?</p> <p>19 A. No. I married a Mr. Rabalais.</p> <p>20 Q. And who is his first name?</p> <p>21 A. Ernest.</p> <p>22 Q. Is he still living?</p> <p>23 A. No, he's deceased.</p> <p>24 Q. And how long were you married in your</p> <p>25 first marriage?</p>	<p>1 COURT REPORTER: Can you spell that for</p> <p>2 me?</p> <p>3 A. S-H-E-L-L-E-N-E.</p> <p>4 Q. And how old is Ms. Blunt?</p> <p>5 A. She was born in '59.</p> <p>6 Q. And your second child out of your first</p> <p>7 marriage?</p> <p>8 A. Ernie. Well, he's Ernest, Jr. We call</p> <p>9 him Ernie. Rabalais.</p> <p>10 Q. And what year was he born?</p> <p>11 A. '61.</p> <p>12 COURT REPORTER: Can you spell that last</p> <p>13 name for me?</p> <p>14 A. R-A-B-A-L-A-I-S.</p> <p>15 Q. And who was your third child out of your</p> <p>16 first marriage?</p> <p>17 A. Deborah, D-E-B-O-R-A-H.</p> <p>18 Q. And her last name?</p> <p>19 A. Khul, K-H-U-L.</p> <p>20 Q. And what year was she born?</p> <p>21 A. '63.</p> <p>22 Q. When were you married to Mr. Politz?</p> <p>23 A. I married him in December the 9th, 1990.</p> <p>24 Q. Do you have any children with Mr. Politz?</p> <p>25 A. No.</p>

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<p>1 Q. Your three children, Mrs. Blunt, 2 Mr. Rabalais? 3 A. Rabalais. 4 Q. Rabalais, and Ms. Khul? 5 A. Khul. 6 Q. I apologize. 7 A. That's okay. 8 Q. Where does Ms. Blunt live? 9 A. She lives in Walker. 10 Q. Where is Walker? 11 A. Walker, Louisiana. 12 Q. Is that near the coast? 13 A. No. It's about 20 miles east of 14 Baton Rouge. 15 Q. Okay. So it's inland? 16 A. Huh? 17 Q. It's inland? 18 A. Oh, yeah, inland. 19 Q. And your son, where does he live? 20 A. Birmingham, Alabama. 21 Q. And your third daughter, where does she 22 live? 23 A. She lives in Satsuma, Louisiana. And 24 it's also inland. 25 Q. Inland. So none of your -- none of your</p>	<p>1 Q. And what is your position there? 2 A. An analyst. 3 Q. And what type of -- what type -- what do 4 you do as an analyst at the DMV? 5 A. I help people get their reinstatements 6 for their license straightened out, and that type of 7 thing. You know, I work in the reinstatement 8 department of it more than -- than in the giving out 9 the driver's license. 10 Q. In your role as an analyst, do you have 11 to deal with insurance companies at all? 12 A. I haven't yet. I haven't been there that 13 long. And the ones that are much more experienced 14 than I am have been dealing with that. Eventually 15 probably I will. You know, mostly by car insurance. 16 Q. Okay. 17 A. That kind of thing. 18 Q. How long have you been employed with the 19 Motor Vehicle Department? 20 A. I've only been there going on five 21 months. 22 Q. And were you employed previously before 23 that, immediately before that? 24 A. No. I had not worked from the Friday 25 before Katrina. I was working part-time as a</p>
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<p>1 children live near the coast? 2 A. No. 3 Q. What about any brothers and sisters? Do 4 you have any? 5 A. Yeah, I have some. They are all 6 scattered out in different states. None of them 7 live in the State of Mississippi. 8 Q. Do any of them live in the Gulf Coast 9 area? 10 A. No. 11 Q. Okay. So is it fair to say that you 12 don't have any family members who also have 13 insurance disputes resulting from hurricane Katrina? 14 A. Oh, yeah, it's fair to say that. I mean, 15 they might have gotten a little wind, but nothing 16 major. 17 Q. None of your siblings have lawsuits 18 against insurance companies; is that correct? 19 A. No, not that I know of. 20 Q. What was your last job outside the home? 21 A. I'm working right now. 22 Q. And what is your -- what is the nature of 23 your employment? 24 A. I work at the Motor Vehicle Office in 25 Slidell, Louisiana.</p>	<p>1 cashier at the Save-A-Center in Long Beach. I 2 worked in the mornings, every morning in -- in the 3 week. Not on weekends and not nights. And if they 4 got in a bind, I'd work a couple of hours in the 5 afternoon. But mostly it was morning work. And 6 when Katrina hit, my house was gone. My store was 7 gone. I had -- you know, it took everything. So I 8 didn't have a job anymore. 9 Q. How long had you worked at Save-A-Center 10 before hurricane Katrina? 11 A. Five years. 12 Q. Before your position at Save-A-Center, 13 where did you work before that? 14 A. At the Lady of the Lake Hospital in 15 Baton Rouge. 16 Q. What was your position there? 17 A. I worked insurance claims. 18 Q. You did? 19 A. Uh-huh (affirmative response). 20 Q. What was your job involving? What did 21 you do in working insurance claims? 22 A. Just posting checks mostly. When I would 23 get checks from insurance companies, they might -- 24 say Blue Cross might send us a \$500,000 check and 25 they might have 30 people. I had to figure out how</p>

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<p>1 much each one, you know, was and posting, that type 2 of thing. And tracing down some of them that wasn't 3 always clear. And I'd have to call the insurance 4 company and find out. You know, and go to the one 5 that issued the checks and find out exactly so I 6 could post it all right, that type thing. But it 7 was mostly just dealing with -- with paying claims 8 to the hospital that I had to allow so much per 9 person to different people, different things.</p> <p>10 Q. In your job at the hospital in working 11 with insurance companies, were you ever responsible 12 for reviewing an insurance contract?</p> <p>13 A. No.</p> <p>14 Q. So you never had to look at insurance 15 language and interpret it?</p> <p>16 A. No. My supervisors did that.</p> <p>17 Q. Where did you live before you lived at 18 Winters Lane?</p> <p>19 A. I lived in Baton Rouge.</p> <p>20 Q. Before your -- how long were you in 21 Baton Rouge?</p> <p>22 A. From the time I got married in '90 until 23 I think it was '98 or '99 when we moved to the 24 coast. Or ninety -- I don't know. It could have 25 been '97.</p>	<p>1 Camille except the name.</p> <p>2 Q. And hurricane Frederic in 1979?</p> <p>3 A. I don't even remember that.</p> <p>4 Q. And hurricane Elana in 1985?</p> <p>5 A. I don't even remember. I never had a 6 reason to find out anything about them. I didn't 7 live here.</p> <p>8 Q. You said that you have a -- you had a 9 condo in Pass Christian; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. And do you still own that condo?</p> <p>12 A. No, I had sold it.</p> <p>13 Q. When did you sell it?</p> <p>14 A. When we bought our house in Long Beach.</p> <p>15 Q. How long did you own it before that?</p> <p>16 A. Four or five years.</p> <p>17 Q. Is hurricane Georges the only hurricane 18 that had hit that affected your condo and -- or put 19 --</p> <p>20 A. It was the only hurricane that hit as I 21 can remember during that time. But it didn't do any 22 damage.</p> <p>23 Q. Did you make any preparations to that 24 condo before or in preparation for hurricane Georges 25 when it arrived?</p>
Page 23	Page 25
<p>1 Q. Okay.</p> <p>2 A. I don't remember exactly.</p> <p>3 Q. And where did you live before 1990 when 4 you were in Baton Rouge?</p> <p>5 A. Walker.</p> <p>6 Q. That's Walker, Louisiana?</p> <p>7 A. Walker, Louisiana. Uh-huh (affirmative 8 response).</p> <p>9 Q. Near Baton Rouge?</p> <p>10 A. Yeah, I lived there for 50 years.</p> <p>11 Q. So is it fair to say that your length of 12 time on the coast is between 1990 and hurricane 13 Katrina? Oh, I apologize.</p> <p>14 Is the length of time you were on the coast 15 between approximately 1998 when you moved to the 16 coast and hurricane Katrina; is that correct?</p> <p>17 A. Yeah.</p> <p>18 Q. Do you recall living on the coast during 19 hurricane Georges?</p> <p>20 A. Yes. Well, no, I wasn't living here. I 21 don't think I was living here when Georges hit. But 22 we had a little condo in Pass Christian and I come 23 to check on it. And it was fine.</p> <p>24 Q. What about hurricane Camille? Where --</p> <p>25 A. No. I never really knew anything about</p>	<p>1 A. Yeah. I went down there and put all of 2 the things on the back porch into the kitchen and 3 closed the door.</p> <p>4 Q. What -- what type of condo was it? Was 5 it on the same level as the -- as the -- is it on 6 the first level?</p> <p>7 A. There were only two highs and it was on 8 the second level.</p> <p>9 Q. So when you went down to prepare your 10 condo for hurricane Georges, you said that you moved 11 stuff off of the back porch and put it in the 12 kitchen. Did you -- and closed the door. Did you 13 make any other preparations for the hurricane?</p> <p>14 A. No, not really.</p> <p>15 Q. Did you move any things off of the floor 16 at all?</p> <p>17 A. No.</p> <p>18 Q. Did you file an insurance claim as a 19 result of the --</p> <p>20 A. No.</p> <p>21 Q. Did you own a home in Baton Rouge before 22 you bought a home on Winters Lane?</p> <p>23 A. Yes.</p> <p>24 Q. Did that home require you to have flood 25 insurance at all?</p>

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8 (Pages 26 to 29)

Page 26	Page 28
<p>1 A. No.</p> <p>2 Q. Have you ever been a plaintiff in a</p> <p>3 lawsuit before?</p> <p>4 A. No.</p> <p>5 Q. Have you ever been a defendant in a</p> <p>6 lawsuit before?</p> <p>7 A. No.</p> <p>8 Q. When did you purchase your home on</p> <p>9 Winters Lane?</p> <p>10 A. I don't remember for sure, either in '97,</p> <p>11 '98, something like that.</p> <p>12 Q. When you purchased the home, did you</p> <p>13 secure a mortgage on it?</p> <p>14 A. Yeah.</p> <p>15 Q. Do you recall the mortgage company that</p> <p>16 you used?</p> <p>17 A. I don't remember it. See, all of those</p> <p>18 records were lost.</p> <p>19 Q. When was the home built on Winters Lane?</p> <p>20 A. Four years before I bought it.</p> <p>21 Q. Does 1995 sound like the right date?</p> <p>22 A. It sounds like it could be.</p> <p>23 Q. Okay. Were you the first owners of the</p> <p>24 home?</p> <p>25 A. No. They had one couple lived in it</p>	<p>1 Q. Okay. Anything other?</p> <p>2 A. And a sunroom.</p> <p>3 Q. Was that an enclosed sunroom?</p> <p>4 A. Yes.</p> <p>5 Q. It had an attached garage, correct?</p> <p>6 A. No. The garage was built in the house.</p> <p>7 Q. It was attached to the home, right?</p> <p>8 A. Yes.</p> <p>9 Q. It was within the home, correct?</p> <p>10 A. Yeah, it was within the home.</p> <p>11 Q. And it also had a patio on the back; is</p> <p>12 that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it had an iron fence around the</p> <p>15 patio; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. I want to hand you what's been marked as</p> <p>18 Defense Exhibit -- Defense Exhibit 102. That is</p> <p>19 sketch of your home that has been prepared by</p> <p>20 Nationwide. And I want to see if you can -- we can</p> <p>21 walk through it together just to verify the location</p> <p>22 of rooms and the layout of your home.</p> <p>23 A. Okay.</p> <p>24 Q. Do you recognize this as -- as --</p> <p>25 A. The floor plan.</p>
Page 27	Page 29
<p>1 before.</p> <p>2 Q. I want to discuss the type of</p> <p>3 construction the Winters home was. Is it correct</p> <p>4 that it was built on a slab foundation?</p> <p>5 A. It was on a slab.</p> <p>6 Q. And it was a single-story home; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And it was approximately 1400 square</p> <p>10 feet; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did it have an attic at all?</p> <p>13 A. Enough that I could store some things.</p> <p>14 Q. But no living space?</p> <p>15 A. Oh, no.</p> <p>16 Q. And how many bedrooms were in the home?</p> <p>17 A. Two.</p> <p>18 Q. And how many bathrooms were in the home?</p> <p>19 A. Two.</p> <p>20 Q. They were both full bathrooms?</p> <p>21 A. Full.</p> <p>22 Q. What other rooms were there in the home</p> <p>23 besides the bedrooms and the bathrooms?</p> <p>24 A. Living room, dining, and kitchen areas</p> <p>25 that all opened up and flowed together.</p>	<p>1 Q. -- as the floor plan of your home?</p> <p>2 A. Yes, I do.</p> <p>3 Q. If you look at the bottom right corner,</p> <p>4 there's a large square. Is it correct to say that</p> <p>5 that's where the garage would have been?</p> <p>6 A. That was the garage, yes.</p> <p>7 Q. Okay. And looking -- there's a --</p> <p>8 there's a little doorway between the garage and</p> <p>9 another room. Can you identify what the smaller</p> <p>10 square room immediately above the garage would have</p> <p>11 been?</p> <p>12 A. A second bedroom.</p> <p>13 Q. And then there are two small boxes</p> <p>14 immediately to the left of the second bedroom. What</p> <p>15 were those?</p> <p>16 A. The larger one was a utility room with my</p> <p>17 washer and dryer. And the smaller one was a closet?</p> <p>18 Q. And then immediately to -- to the --</p> <p>19 above the washer and dryer and the room, there's an</p> <p>20 L-shaped area. Do you see that?</p> <p>21 A. Oh, yeah, that's had a hallway.</p> <p>22 Q. Okay. And then there's a doorway from</p> <p>23 the hallway going to the right and then sort of a</p> <p>24 rectangular-shaped room. Is that a room?</p> <p>25 A. That was an entrance to the master</p>

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9 (Pages 30 to 33)

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<p>1 bedroom.</p> <p>2 Q. Okay. And then immediately to the right</p> <p>3 of the entrance to the master bedroom, there's sort</p> <p>4 of a what looks like another L-shaped, but upside</p> <p>5 down L-shaped area. What was that?</p> <p>6 A. Like this area right here?</p> <p>7 Q. No. Immediately to the bottom of that.</p> <p>8 Immediately to the right.</p> <p>9 A. Here?</p> <p>10 Q. This area right here.</p> <p>11 A. Well, they've got this wrong.</p> <p>12 Q. Okay.</p> <p>13 A. This was a bathroom.</p> <p>14 Q. Okay.</p> <p>15 A. That was open all the way to this wall.</p> <p>16 And this that they have looks like a closet was on</p> <p>17 the backside. So you walked in the bedroom. No,</p> <p>18 I'm sorry. The bedroom is the one that had the long</p> <p>19 big closet.</p> <p>20 Q. Okay. So --</p> <p>21 A. All this was bath. This was a large</p> <p>22 bathroom.</p> <p>23 Q. Okay. So the -- the -- the box at the</p> <p>24 very top right of the page, that would have been the</p> <p>25 master bedroom; is that correct?</p>	<p>1 room. It was a long closet. It had two doors. You</p> <p>2 could go in it from either side.</p> <p>3 Q. Okay. And the -- so the smaller</p> <p>4 bathroom, is that correctly placed on the diagram?</p> <p>5 A. Yeah, basically.</p> <p>6 Q. Okay. And then, moving to the left side</p> <p>7 of the diagram.</p> <p>8 A. Okay.</p> <p>9 Q. Starting at the bottom, there's a -- a</p> <p>10 rectangular-shaped area at the bottom and it jets up</p> <p>11 with a narrow space and it forms a backwards L. Do</p> <p>12 you see where I'm indicating?</p> <p>13 A. Are you talking about this right here, a</p> <p>14 backwards L?</p> <p>15 Q. The bottom area.</p> <p>16 A. Oh, this.</p> <p>17 Q. Yes. And it jets up to a --</p> <p>18 A. This was a sunroom.</p> <p>19 Q. This was a sunroom?</p> <p>20 A. Okay. It went into a hallway. From the</p> <p>21 sunroom and another hallway into the living -- the</p> <p>22 hallway just went. There was no doors.</p> <p>23 Q. Okay.</p> <p>24 A. They were both open areas that you could</p> <p>25 walk into. Or you could go in this way into the</p>
Page 31	Page 33
<p>1 A. Uh-huh (affirmative response). Correct.</p> <p>2 Q. And the -- the L-shaped area immediately</p> <p>3 below the bedroom, that would have been a bedroom?</p> <p>4 A. That was a master bath.</p> <p>5 Q. Are you saying that the entrance to the</p> <p>6 bedroom is incorrect?</p> <p>7 A. No, the entrance -- I'm having to stop</p> <p>8 and think a second.</p> <p>9 Q. Sure.</p> <p>10 A. The entrance to the bedroom came in</p> <p>11 through hallway here. Okay. And then they are</p> <p>12 showing this here. This was the second bath, I</p> <p>13 guess, not a closet.</p> <p>14 Q. Okay.</p> <p>15 A. That was the second bath. You entered it</p> <p>16 from the hallway right here.</p> <p>17 Q. Okay.</p> <p>18 A. And the first bath was here and they had</p> <p>19 a large closet across the bedroom.</p> <p>20 Q. So on the far right side --</p> <p>21 A. On the back.</p> <p>22 Q. On the far right side on the box,</p> <p>23 immediately on the top right of the page, there</p> <p>24 would have been a closet?</p> <p>25 A. Yes, a closet all the way across the</p>	<p>1 kitchen.</p> <p>2 Q. Okay. So the sunroom -- so there's a box</p> <p>3 immediately, a square box immediately above the</p> <p>4 sunroom with an open area, that would have been the</p> <p>5 kitchen?</p> <p>6 A. Right.</p> <p>7 Q. Okay. And then the kitchen immediately</p> <p>8 to the -- above the kitchen area, would have been</p> <p>9 the living room; is that correct?</p> <p>10 A. This is -- was the dining area.</p> <p>11 Q. Okay. So where the -- where it --</p> <p>12 A. This is the living room.</p> <p>13 Q. Where it jets out to the left a little</p> <p>14 bit, that would have been the dining area?</p> <p>15 A. That was the dining area.</p> <p>16 Q. And then that opened up to a living area;</p> <p>17 is that correct?</p> <p>18 A. Right.</p> <p>19 Q. And then immediately above that would</p> <p>20 have been the outdoor patio; is that right?</p> <p>21 A. Right. French doors going out there.</p> <p>22 Everything else just opened and flowed together.</p> <p>23 (Exhibit 102 - Layout of Floor Plan</p> <p>24 marked for identification.)</p> <p>25 Q. Okay. And just for the record, we are</p>

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10 (Pages 34 to 37)

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<p>1 looking at the document where the Defendants'</p> <p>2 Exhibit 102 label is on the top right of the page,</p> <p>3 just so we have it all straight when I say up and</p> <p>4 down.</p> <p>5 A. Okay.</p> <p>6 Q. So this is a fair and accurate, to the</p> <p>7 best of your recollection, depiction of the layout</p> <p>8 of your floor plan?</p> <p>9 A. Well, the patio went all the way to the</p> <p>10 back of the house.</p> <p>11 Q. Okay. So the patio would have been</p> <p>12 extended out over to the bedroom?</p> <p>13 A. Yeah. It went all the way to the back.</p> <p>14 It had the -- this was made even with the floor in</p> <p>15 here. You just stepped out onto the patio. Then it</p> <p>16 had some steps going down here, three steps, that</p> <p>17 had like a cement walkway. And on both sides there</p> <p>18 was dirt for my flower, gardens on both sides.</p> <p>19 Q. So aside from the diagram not extending</p> <p>20 out the full length of the master bedroom,</p> <p>21 everything else looks as it should be; is that</p> <p>22 correct?</p> <p>23 A. Pretty much.</p> <p>24 Q. Thank you. You can set that aside.</p> <p>25 A. Okay.</p>	<p>1 A. Four years old.</p> <p>2 Q. Did you -- so you replaced them when you</p> <p>3 -- I'm sorry. Let me take this -- let me -- let me</p> <p>4 start over.</p> <p>5 A. When I bought the house.</p> <p>6 Q. When you purchased the home, they were</p> <p>7 the same that had been originally put in the house</p> <p>8 when it was first built; is that correct?</p> <p>9 A. Yeah. Right. They never had used most</p> <p>10 of it. They had never hooked up the water to the</p> <p>11 refrigerator. They had never hooked up the vents to</p> <p>12 -- it was kind of like the stove was, I can't think</p> <p>13 of the name of it, but it's the one that has the</p> <p>14 vents that draws all of the air out and everything,</p> <p>15 and it's piped outside. They had never hooked that</p> <p>16 up.</p> <p>17 Q. Had anyone lived in the home before you?</p> <p>18 A. Yeah, this young couple. And he was</p> <p>19 becoming a doctor and he was doing some residents, I</p> <p>20 believe. Was doing his residency at Keesler. And</p> <p>21 his wife was, I believe, I heard she was a nurse.</p> <p>22 So I guess they mostly just ate out. There was --</p> <p>23 it was all -- all of the appliances was like new</p> <p>24 when I moved in.</p> <p>25 (Exhibit 23 - Photographs marked for</p>
Page 35	Page 37
<p>1 Q. Did you have any other sheds or buildings</p> <p>2 on your property aside from the main residence?</p> <p>3 A. No.</p> <p>4 Q. In the kitchen, what appliances did you</p> <p>5 have in the kitchen?</p> <p>6 A. Refrigerator, microwave, dishwasher,</p> <p>7 stove, the usual.</p> <p>8 Q. Refrigerator, microwave, dishwasher,</p> <p>9 stove. Anything else?</p> <p>10 A. The refrigerator had a freezer on top of</p> <p>11 it. And in the sunroom, I had a chest-type freezer,</p> <p>12 one of those smaller chest types, about</p> <p>13 three-by-three, I guess, about three feet high.</p> <p>14 Q. Did your stove also have an oven in it?</p> <p>15 A. Yes.</p> <p>16 Q. So aside from the refrigerator and</p> <p>17 freezer in the kitchen, the freezer in the -- in the</p> <p>18 sunroom, the microwave, the dishwasher, and the</p> <p>19 stove/oven combination, were there any other</p> <p>20 appliances in your kitchen?</p> <p>21 A. Just coffee pots and stuff like that.</p> <p>22 Q. Handheld type appliances?</p> <p>23 A. Yeah. I think. I can't remember</p> <p>24 anything else right now.</p> <p>25 Q. How old were your appliances?</p>	<p>1 identification.)</p> <p>2 Q. I'm going to hand you what's been marked</p> <p>3 as Defense Exhibit 23. If you could turn, do you</p> <p>4 see at the bottom of the page, it says,</p> <p>5 "Politz 150." Do you see that?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Those are called Bates numbers. So when</p> <p>8 I refer to the term "Bates numbers," you'll know</p> <p>9 what I mean.</p> <p>10 A. Okay. Thank you.</p> <p>11 Q. If you could -- if you could turn to</p> <p>12 Bates number 181. Some of the pictures are a little</p> <p>13 dark at the bottom so sometimes it's hard to see.</p> <p>14 But it's a picture --</p> <p>15 A. I'm getting there. 181? Okay.</p> <p>16 Q. Okay. Beginning on page 181, going</p> <p>17 through page 184, do you recognize these photos?</p> <p>18 A. Yes, I do.</p> <p>19 Q. Are these all the photos that you have</p> <p>20 left of your home before hurricane Katrina?</p> <p>21 A. I'm not sure if it's all of them, but it</p> <p>22 was all I could put -- put -- you know, my hands on</p> <p>23 at the time.</p> <p>24 Q. Have you found any additional photographs</p> <p>25 since you gave these to your attorneys?</p>

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11 (Pages 38 to 41)

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<p>1 A. I don't remember finding any.</p> <p>2 Q. Would you be willing to go back and look</p> <p>3 to see if you have any additional photographs?</p> <p>4 A. Sure.</p> <p>5 Q. Okay. Beginning on page 181, the very</p> <p>6 top photograph.</p> <p>7 A. Okay.</p> <p>8 Q. Can you tell me -- can you tell me where</p> <p>9 in the home, and if we need to pull back Defense</p> <p>10 Exhibit 102 to point out, where in the home is it</p> <p>11 that we're looking at?</p> <p>12 A. Right here in the corner of the living</p> <p>13 room. Wait, wait, wait.</p> <p>14 Q. That's -- let's try it this way.</p> <p>15 A. Right here in the living/dining room area</p> <p>16 right up in here.</p> <p>17 Q. Okay. So you're -- you're pointing to</p> <p>18 the dining area and the open living room and --</p> <p>19 A. Yeah.</p> <p>20 Q. -- the square. You're pointing to the</p> <p>21 bottom right corner; is that correct?</p> <p>22 A. Yes. That buffet was right here against</p> <p>23 the wall and a table was here in front of the</p> <p>24 window.</p> <p>25 Q. The door that's -- that's in the</p>	<p>1 A. Okay.</p> <p>2 Q. Can you identify on Defense Exhibit 102</p> <p>3 where this photograph was taken?</p> <p>4 A. Yes. This was a fireplace in the living</p> <p>5 room right there in that corner.</p> <p>6 Q. So you're pointing to the living room in</p> <p>7 the top left corner of the -- of that room?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. If you could turn the page. We're</p> <p>10 looking at page 183 of Defense Exhibit 23. Are</p> <p>11 these photographs of your back patio area?</p> <p>12 A. Yes, they are.</p> <p>13 Q. Okay. In the top photograph, there's</p> <p>14 someone standing at the iron gate looking away.</p> <p>15 A. Uh-huh (affirmative response).</p> <p>16 Q. From that vantage point, are you able to</p> <p>17 see the Gulf of Mexico?</p> <p>18 A. Yes, you could see it.</p> <p>19 Q. Approximately how far from that vantage</p> <p>20 point, the person that's standing there, about how</p> <p>21 far away is the Gulf of Mexico?</p> <p>22 A. Probably about a quarter-of-a-mile from</p> <p>23 that point to the water. They had beach area in</p> <p>24 between.</p> <p>25 Q. About how long would it take someone to</p>
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<p>1 foreground of the picture on the right side --</p> <p>2 A. Uh-huh (affirmative response).</p> <p>3 Q. -- do you see there's a knob on the door?</p> <p>4 A. Yeah.</p> <p>5 Q. What was that a door to?</p> <p>6 A. That was a door to this closet right</p> <p>7 here.</p> <p>8 Q. Okay. And the door immediately behind</p> <p>9 it, that was the utility room?</p> <p>10 A. That was my double doors to the utility</p> <p>11 room.</p> <p>12 Q. Okay. And then the door straight back,</p> <p>13 if you were walking down the hall, was that a door</p> <p>14 into the second bedroom?</p> <p>15 A. That was going into the second bedroom,</p> <p>16 yes.</p> <p>17 Q. Thank you.</p> <p>18 A. Uh-huh (affirmative response).</p> <p>19 Q. The photo at the bottom of the page --</p> <p>20 A. Uh-huh (affirmative response).</p> <p>21 Q. -- of page 181, is this on your patio</p> <p>22 outside?</p> <p>23 A. Yes, it is.</p> <p>24 Q. If you could turn to the next page,</p> <p>25 Defense Exhibit 23 at page 182.</p>	<p>1 walk there?</p> <p>2 A. Five minutes or so.</p> <p>3 Q. Not very far?</p> <p>4 A. Five or ten minutes, depending on young</p> <p>5 or old or what.</p> <p>6 Q. But it's fair to say it wasn't very far</p> <p>7 from the water?</p> <p>8 A. Not too terribly far.</p> <p>9 Q. If you could turn the page of Defense</p> <p>10 Exhibit 23 to page 184.</p> <p>11 A. Okay.</p> <p>12 Q. The very top photograph, we're looking at</p> <p>13 the outside of the home.</p> <p>14 A. Uh-huh (affirmative response).</p> <p>15 Q. Can you show me what angle or what area</p> <p>16 we would be looking at on Defense Exhibit 102?</p> <p>17 A. The side here faced the gulf. You pulled</p> <p>18 in. This end faced Winters Lane. And this was the</p> <p>19 garage. You pulled in there and you come in from</p> <p>20 the garage into the house. That had a door there.</p> <p>21 And this -- all of this faced the gulf.</p> <p>22 Q. Okay. So we see the garage on the far</p> <p>23 right corner of the picture?</p> <p>24 A. Right.</p> <p>25 Q. Is this an entrance on the -- just in</p>

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<p>1 front of the garage? Is that -- is that the main 2 entrance to the house?</p> <p>3 A. Yeah. They had a cement driveway where 4 you turned in from Winters Lane and you drove all 5 the way into the garage. The bushes in the front, 6 kind of the landscaping kind of hides that.</p> <p>7 Q. Looking at Defense Exhibit 102, would 8 this have been that entrance at the very bottom just 9 next to the garage?</p> <p>10 A. There was a front door right here.</p> <p>11 Q. Okay.</p> <p>12 A. A big beautiful door. Okay. And they 13 had a curved sidewalk from it, a little -- they had 14 like a little entrance. You can see it right here.</p> <p>15 Q. Okay. And you are pointing to the 16 picture?</p> <p>17 A. With the white poles, yeah. Okay. And 18 this entrance right here had a little, it was 19 probably six-by-six, something like that. And it 20 had a -- one step down and it curved around here and 21 met the garage driveway.</p> <p>22 Q. Okay.</p> <p>23 A. So you could go --</p> <p>24 Q. And you can see that on the bottom 25 picture of page 184; is that correct?</p>	<p>1 Defense Exhibit 29. I'll represent to you that this 2 is a map that Nationwide and -- and counsel for 3 Nationwide has prepared on Google, which is an 4 internet website where you're able to map out the 5 location of an address. And what I'm hoping you can 6 do is you'll see in the middle of the page it says 7 "116 Winters Lane, Long Beach." That's your former 8 address, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And there's a pinpoint there. Is that 11 the accurate location from an aerial perspective of 12 where your home would have been? Sometimes these 13 can be off. And so what I'm trying to do is verify 14 that if it needs to be moved to the right or to the 15 left.</p> <p>16 A. I think it needs to be moved a little 17 this way.</p> <p>18 Q. And you're pointing to the right?</p> <p>19 A. Uh-huh (affirmative response). Because 20 this is the street, Winters Lane, that's got the 21 curve in it.</p> <p>22 Q. Okay.</p> <p>23 A. And I lived right in this curve.</p> <p>24 Q. Okay. So you're actually pointing to the 25 left, and you're identifying the curvature of the</p>
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<p>1 A. Oh, yes. Okay.</p> <p>2 Q. You can see the front walkway?</p> <p>3 A. Yeah. You can see how that does. Yeah.</p> <p>4 Q. And the bottom picture of page 184, it's 5 fair to say that if you were standing at the bottom 6 of Defense Exhibit 102 taking a photograph looking 7 forward, that this would be the -- the vantage 8 point; is that correct?</p> <p>9 A. I don't understand.</p> <p>10 Q. Okay. If you were -- does this picture, 11 the bottom picture on page 184, reflect the garage 12 and the front entrance as you would be standing at 13 the bottom of Defense Exhibit 102?</p> <p>14 A. Yeah. Yeah. This was the front entrance 15 on Winters Lane.</p> <p>16 Q. Okay. So on Defense Exhibit 102, 17 Winters Lane would have been at the bottom of this 18 page; is that correct?</p> <p>19 A. Correct. Uh-huh (affirmative response).</p> <p>20 Q. All right. Again, with the Defense 21 Exhibit 102 sticker on the -- top right side of the 22 page. 23 (Exhibit 29 - Map marked for 24 identification.) 25 Q. I'm handing you what's been marked as</p>	<p>1 street that's to the top and to the left of the 2 yellow pinpoint mark; is that right?</p> <p>3 A. I think -- yes. I think this little spot 4 right here would have been my -- my house.</p> <p>5 Q. Okay. I'm going to hand you another map 6 that's not been marked and we can mark it.</p> <p>7 A. Okay.</p> <p>8 Q. You can set that aside. 9 (Exhibit 30 - Map marked for 10 identification.)</p> <p>11 Q. Okay. I've got two of these. One I want 12 to identify and then the other one we can mark on. 13 So I'm going to hand you what has been marked as 14 Defense Exhibit 30.</p> <p>15 This is a photograph that was taken of the 16 same location or approximately the same location as 17 the Google map that I just showed you in Defense 18 Exhibit 29. But this was taken a couple of days 19 after hurricane Katrina.</p> <p>20 Do you recognize the curvature of the 21 street, the same curvature of the street?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And that would be Winters Lane; is that 24 correct?</p> <p>25 A. Yes.</p>

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13 (Pages 46 to 49)

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<p>1 Q. And it's your testimony that your home 2 would have been in the middle of the curvature of 3 that street; is that right?</p> <p>4 A. Yeah. Like right here, this little white 5 spot.</p> <p>6 Q. Okay.</p> <p>7 A. I think that would have been my slab. 8 And my driveway right here.</p> <p>9 Q. Okay.</p> <p>10 A. Do you see where I'm pointing?</p> <p>11 Q. I'm going to put this aside and hand you 12 the exact same map which is marked as Defense 13 Exhibit 30A.</p> <p>14 (Exhibit 30A - Map marked for 15 identification.)</p> <p>16 Q. And I'm going to hand you a marker. And 17 if you could draw a box outlining where you believe 18 your home would have been.</p> <p>19 A. You need it drawn over here?</p> <p>20 Q. No, if you could leave that one blank. 21 So the black box you've just drawn, this is the 22 place that you believe your home was located before 23 hurricane Katrina; is that correct?</p> <p>24 A. That's what I believe, yes.</p> <p>25 Q. You can -- you can give him his pen.</p>	<p>1 to be done. And that called for a paint job 2 afterward. So we had the house repainted. All the 3 windows redone. We had just gotten through with 4 putting all the, you know, the -- I'm trying to 5 think of the word. The mortar that sort of goes 6 against your window to hold the window in?</p> <p>7 Q. The window seal?</p> <p>8 A. Yeah. It had some crack spaces in it. 9 We had someone, the painters clean all of that old 10 out, put all new in, and everything. And so it was 11 all redone.</p> <p>12 Q. Let's take this step-by-step.</p> <p>13 A. Okay.</p> <p>14 Q. The termite damage that needed to be 15 repaired, was that all to the exterior of the home?</p> <p>16 A. Yeah.</p> <p>17 Q. All right. And what precisely?</p> <p>18 A. Well, it -- I'm sorry. Except for the 19 French doors. They found them by the French doors 20 and the patio. And the wood around the French doors 21 had to be -- some of it had to be replaced and 22 repainted and everything.</p> <p>23 Q. What on the exterior of the home was 24 replaced because of termite damage?</p> <p>25 A. Some of the construction like</p>
Page 47	Page 49
<p>1 MS. LOCKE: Did you get a copy of 30A?</p> <p>2 MR. EMERY: No.</p> <p>3 Q. (By Mr. Locke) Okay.</p> <p>4 A. This is the box that I drew.</p> <p>5 Q. What I -- what I would like to do is 6 actually take 30A and make a photocopy of it a 7 little bit later so we can enter 30A in the box that 8 she drew so we know exactly where the home is 9 located. So I'm going to set this aside for now.</p> <p>10 Did you after purchasing your home in 11 approximately 1998, 1999, did you make any additions 12 or renovations to the home?</p> <p>13 A. We had remodeled, not -- we didn't make 14 any additions other than the patio. But we had just 15 redone the home completely because we got termites 16 and they had done some damage. So we had just spent 17 like over \$20,000 on our house because we had to 18 replace -- there was areas where there was no brick. 19 It was kind of like a wooded material termites get 20 into and they had done some damage. So we hired 21 someone to come in and replace everything.</p> <p>22 First of all, the termite man had to come 23 and drill and put the stuff in, kill all the 24 termites and everything. We got all that done and 25 then we repaired and replaced everything that needed</p>	<p>1 two-by-fours or two-by-sixes or something like that 2 on the front entrance had to be redone. Some of the 3 corners of the house had gotten not only -- the 4 termites was mostly on the patio. But this type of 5 material that they had used that had gotten rotted 6 on the ends where it touched the dampness of the 7 morning dew every day, and that type thing. We had 8 all of those corners replaced with treated wood and 9 everything, that type of thing.</p> <p>10 Q. Were -- did the home have to be opened up 11 in any way in terms of -- when you say two-by-fours, 12 I'm trying to understand where the two-by-fours were 13 on the exterior of the home?</p> <p>14 A. They were on the outside. Everything 15 that had to be replaced was on the outside except 16 around the French doors.</p> <p>17 Q. Okay. When you said the home had to be 18 repainted, is that an exterior repaint job?</p> <p>19 A. Yeah.</p> <p>20 Q. Did you have any interior repainting 21 done?</p> <p>22 A. No, I didn't.</p> <p>23 Q. Okay.</p> <p>24 A. Now, I had replaced the floors. We had 25 put in wood floors because the carpet was bad and</p>

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14 (Pages 50 to 53)

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<p>1 needed to be redone and we just put in wood floors 2 instead of new carpet. 3 Q. Okay. We'll get there. I've got a list. 4 We'll go through one-by-one. 5 A. Excuse me. 6 Q. No. You're fine. You're fine. So the 7 exterior of the home was painted. You replaced 8 windows. Did you -- did you replace the glass in 9 the windows? 10 A. No, not the glass. 11 Q. Just the exterior wood portions of the 12 windows? 13 A. The support for the glass. 14 Q. Okay. The French doors, were those 15 wholly replaced, the doors themselves? 16 A. No. They -- it was mostly in the frame 17 around the doors. 18 Q. Okay. So the framings of the French 19 doors had to be replaced. Any other exterior 20 replacement or upgrades that were made at that time? 21 A. The French doors were painted on both 22 sides. The front door was weather-beaten. It 23 wasn't -- it wasn't termites. It was weather-beaten 24 and it had to be redone, taken off and revarnished 25 and everything.</p>	<p>1 Q. How many new fans? 2 A. Two or three. 3 Q. Anything else? 4 A. I think we had put in a light fixture, a 5 couple of light fixtures and made them look nicer. 6 Q. Can you approximate how many light 7 fixtures you had replaced? 8 A. I know one was with a fan. And I think 9 one was by itself. 10 Q. So aside from the wood floor, two or 11 three new fans, and a couple, two or so, light 12 fixtures, any other interior upgrades you can think 13 of? 14 A. I can't think of any right now. 15 Q. You said the total to replace the termite 16 damage was approximately \$20,000; is that right? 17 A. That was for all of it. That was for the 18 termite and the weatherworn things that was rotted 19 on the ends and boards that needed to be replaced 20 and -- 21 Q. Did that also include damage -- I'm 22 sorry. Did the \$20,000 also include the cost to 23 upgrade the wood floors the fans and the light 24 fixtures? 25 A. Yeah. It was about 20,000 for the labor</p>
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<p>1 Q. And then moving to the interior of the 2 home. Anything else from the outside that you can 3 think of? 4 A. Not at this moment. 5 Q. Okay. All right. Moving to the interior 6 of the home. You said you had the carpet replaced 7 and you had it replaced with wood floors; is that 8 right? 9 A. Yeah. 10 Q. In how many rooms did you do that? 11 A. Both bedrooms. Everywhere there was 12 carpet. I took all carpet out. Tile, I had some 13 tile all in the front of the house. The two 14 bedrooms and the hallways had carpet. So I replaced 15 -- it wasn't real wood. It was a laminate wood. 16 Q. And that was not because of termite 17 damage? 18 A. No. 19 Q. That was just wear-and-tear? 20 A. No, just wear-and-tear. It needed to be 21 done. We had no idea we was fixing to lose it all. 22 Q. Any other interior upgrades that you made 23 before hurricane Katrina? 24 A. We had switched out some fans. Put new 25 fans in.</p>	<p>1 and the upgrading and the termites. 2 Q. Do you know -- did you file an insurance 3 claim at all for the termite damage? 4 A. No, I don't think I had termite -- I 5 don't think I had insurance. I never filed 6 anything. 7 Q. Who was your mortgage with at the time of 8 hurricane Katrina? 9 A. It was with First Horizon at that time. 10 VIDEOGRAPHER: Two minutes until end of 11 tape. 12 Q. Do you know -- do you recall what the 13 balance was at the time of hurricane Katrina, 14 approximately? 15 A. Approximately 130,000, 128, 130, 16 something like that. 17 Q. And you've since paid that balance off; 18 is that correct? 19 A. Yes. 20 Q. Okay. And you paid it off by the use of 21 funds that you received from the SBA; is that 22 correct? 23 A. Correct. Well, actually, I couldn't pay 24 it off. I had to apply my funds from SBA and from 25 the grant to SBA. And I couldn't afford both house</p>

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15 (Pages 54 to 57)

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<p>1 notes. So we got them to increase our loan so that 2 we could pay off one note and have everything under 3 one at a cheaper rate of interest rather than lose 4 it.</p> <p>5 Q. We'll go step-by-step through --</p> <p>6 A. Okay.</p> <p>7 Q. -- the SBA funding. But for now, the 8 First Horizon, the mortgage on your home at 9 Winters Lane is currently paid off, correct?</p> <p>10 A. It's -- it's paid off, but in one way. 11 In one way it isn't because it's through an SBA 12 loan. SBA still has -- holds the mortgage together 13 with my house in Gulfport.</p> <p>14 Q. Okay. So the SBA holds the title to the 15 property at Winters Lane; is that correct?</p> <p>16 A. Yes. Yes.</p> <p>17 Q. Okay. But First Horizon has been paid?</p> <p>18 A. First Horizon has been paid off.</p> <p>19 VIDEOGRAPHER: Off the record at 20 10 o'clock. End of tape one. 21 (Off the record.) 22 VIDEOGRAPHER: Beginning tape two. On 23 the record at 10:07.</p> <p>24 Q. (By Ms. Locke) Do you know if your home 25 was in a flood zone?</p>	<p>1 Q. And the woman that you spoke with there 2 also told you you were not in a flood zone?</p> <p>3 A. I don't remember. Yes, she did tell me 4 that because she -- I asked her about the flood. 5 When she wrote up the insurance, I did not -- I had 6 never lived anywhere where I needed flood insurance 7 so I was not aware of everything like I am now. Not 8 that I'm aware of everything. But you know what I'm 9 saying? Okay.</p> <p>10 So when I came there and I went to get 11 insurance, I told her that we needed all of our 12 bases covered because we had retired and we didn't 13 want to have to worry about not being safe or not 14 having something covered.</p> <p>15 And John French was the representative. He 16 was sitting in another room joining ours with the 17 door open between us at the desk. So he could hear 18 -- we could hear him talking on the phone. So I 19 know he could hear us talking.</p> <p>20 And when she finished everything, I looked 21 at it and I said, "But you don't have flood coverage 22 here." And she said, "You don't need flood 23 coverage." And I said, "Well, FEMA said we're not 24 in a flood zone, but I thought since the water is so 25 close from the gulf that we would probably need it."</p>
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<p>1 A. It was not in a flood zone.</p> <p>2 Q. How did you know that it was not in a 3 flood zone?</p> <p>4 A. I had a FEMA certificate stating that it 5 was not in a flood zone. And I was told by 6 Nationwide it was not in a flood zone.</p> <p>7 Q. When did you get that FEMA certificate?</p> <p>8 A. It was in the documents when we bought 9 the house.</p> <p>10 Q. Did you provide that certificate to your 11 attorney?</p> <p>12 A. I did.</p> <p>13 Q. And you said that Nationwide told you 14 your home was not in a flood zone?</p> <p>15 A. Right.</p> <p>16 Q. Who at Nationwide told you that?</p> <p>17 A. I don't remember the girl's name, but she 18 was the girl that worked in the office when we 19 purchased -- when we purchased -- you know when you 20 go to make a loan you have to purchase your 21 insurance and all? So Nationwide was an office 22 right a couple of blocks over and behind us, and I 23 heard of them. I thought they were, you know, a 24 good company to be with. I had no doubt. So I went 25 and seen them.</p>	<p>1 She said, "You've got all the coverage you need 2 there. Every base is covered."</p> <p>3 Q. I want to come back to that conversation 4 in just a minute.</p> <p>5 A. Okay. Sure.</p> <p>6 Q. Do you know if your mortgage company 7 required you to have flood insurance?</p> <p>8 A. Evidently they didn't. They never asked 9 for it.</p> <p>10 Q. Did you ever speak with your mortgage 11 broker at First Horizon about flood insurance?</p> <p>12 A. No.</p> <p>13 Q. Aside from your mortgage at 14 First Horizon, did you have any other second 15 mortgages on the property?</p> <p>16 A. No.</p> <p>17 Q. Is that the only mortgage you ever had on 18 the home?</p> <p>19 A. No. We had redid our mortgage. And I 20 don't remember all the names. It went to different 21 ones. Like we refinanced it and then they sold it 22 to someone else, and I think they sold it to someone 23 else. And we wound up with -- with First Horizon. 24 And that's who we was with when hurricane Katrina 25 hit.</p>

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16 (Pages 58 to 61)

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<p>1 Q. In all the different companies, did you 2 ever have a conversation with a mortgage broker 3 about the flood insurance? 4 A. No. I had been told I didn't need it so 5 I didn't -- I didn't ask any questions other than 6 that. I accepted it. 7 Q. Fair to say you never asked your mortgage 8 company if you needed flood insurance? 9 A. No. I asked Nationwide if I needed it. 10 Oh, mortgage company? Yeah. I never asked them. 11 Q. Okay. Aside from the flooding that 12 occurred during hurricane Katrina, was there any -- 13 did you ever have a flood in your home at 14 Winters Lane before that? 15 A. No. 16 Q. At the time you purchased your home in 17 approximately 1998, did you obtain homeowners 18 insurance on the property when you purchased it? 19 A. Yes, I did. 20 Q. What carrier did you use? 21 A. Nationwide. 22 Q. So was Nationwide the first policy you 23 had on your home? 24 A. They were -- yeah. They were the only 25 ones I ever used.</p>	<p>1 A. One was a Hyundai and one was a Ford, a 2 Mustang. I lost it in the -- 3 Q. What -- what year was the Mustang? 4 A. I think it was a 2002. 5 Q. It was 2002? 6 A. Yeah, I believe. 7 Q. Did you ever have a 1998 or 1999 Ford 8 make car? 9 A. '98, '99? Yeah. A Grand -- what was it 10 -- it was made by Ford. Crown Royal. 11 Q. Okay. Could it -- 12 A. My husband's car. 13 Q. Could you have had Nationwide car 14 insurance on the Crown Royal? 15 A. Maybe so. I don't -- I don't remember. 16 That's so far away. 17 Q. But when did you -- do you recall when 18 you purchased the Crown Royal? 19 A. I think so. I think we purchased it 20 after we moved to the coast from the Ford dealership 21 in Gulfport. 22 Q. Was it approximately 1998 or 1999 when 23 you purchased the car? 24 A. Probably. 25 Q. Okay. So you can't dispute that you got</p>
Page 59	Page 61
<p>1 Q. And John French was the agency -- his 2 agency is the agency you first used? 3 A. Correct. 4 Q. Aside from the claim that you filed for 5 damage as a result of hurricane Katrina, had you, 6 before that time, filed a claim with Nationwide 7 Insurance Company for the home at Winters Lane? 8 A. No, I had never filed a claim. 9 Q. You had other insurance with Nationwide, 10 didn't you? 11 A. I don't think so. Just my homeowners. 12 Q. Did you have car insurance with 13 Nationwide? 14 A. No. 15 Q. Did you ever -- 16 A. Well, I don't remember for sure on the 17 car, but I don't -- I think it was just the home. 18 Q. All right. Did you ever seek or -- seek 19 a quote for car insurance from Nationwide? 20 A. I don't know. I don't remember. 21 Q. You had two cars though, correct? 22 A. Yes. 23 Q. You had two Fords; is that correct? 24 A. No. 25 Q. No?</p>	<p>1 a quote from Nationwide for that -- 2 A. No, I can't dispute it. I can't remember 3 it, but I can't dispute it. 4 Q. Okay. Aside from your home at 5 Winters Lane, you've mentioned that you had a condo 6 in Pass Christian that you sold. Did you have any 7 other homes? 8 A. No. We had the condo when we lived in 9 Baton Rouge. And once we moved here and we decided 10 we liked it. We wanted to stay here. We decided. 11 It was a very small condo and so we bought a house 12 and we put the condo up for sale. And it didn't 13 sell right away so we rented it until we sold it. 14 Q. You said that the first policy, 15 homeowners policy on Winters Lane was through 16 Nationwide and through the John French Insurance 17 Agency. Do you recall when you first secured 18 homeowners insurance at Winters Lane? 19 A. When I was buying the home, you know. 20 When we signed all of the agreements at the mortgage 21 company and everything, the insurance was there in 22 front of us. 23 Q. Is it possible that it was in early 24 February 1999? 25 A. It could have been.</p>

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17 (Pages 62 to 65)

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<p>1 Q. How did you know about French Insurance 2 Agency? 3 A. Because I saw it on Jeff Davis, going up 4 and down Jeff Davis. 5 Q. Jeff Davis is a highway? 6 A. Yeah, it's a street in Long Beach. 7 Q. So you saw the sign on the street and 8 that's what prompted you to seek insurance from -- 9 A. Well, I saw the office there. 10 Q. Had you ever met Mr. French before 11 purchasing insurance from him? 12 A. No. 13 Q. And so is it fair to say he wasn't a 14 friend of yours? 15 A. No, he wasn't. Just a business deal. 16 Q. So it being a business deal, you didn't 17 have any particular reason to go to Mr. French as 18 opposed to another insurance company, did you? 19 A. No. I just thought Nationwide was a good 20 insurance. And it was there and I needed insurance. 21 Q. Had any of your friends or family used 22 Mr. French? 23 A. No. None of them lived over here. 24 Q. So you didn't have any reason to trust 25 Mr. French anymore than you would someone who's</p>	<p>1 Nationwide policy with Mr. French? Did you go into 2 the office? 3 A. Uh-huh (affirmative response). 4 Q. Is that a yes? 5 A. Yes. Sorry. 6 Q. That's okay. So it was not over the 7 phone, correct? 8 A. Correct. 9 Q. When you first went into Mr. French's 10 office who -- 11 A. Excuse me just a moment. I did make a 12 call to him telling him I needed to come in and see 13 someone about some insurance because I had to 14 purchase some insurance. 15 Q. Okay. 16 A. And they gave me a time to come in and I 17 went, but I had not met him before. 18 Q. So aside from the brief call that you had 19 to schedule an appointment -- 20 A. Right. 21 Q. -- then you went in during your 22 appointment time to meet with him; is that correct? 23 A. Right. 24 Q. Did you go alone to purchase your policy? 25 A. No, my husband was with me.</p>
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<p>1 selling you another type of product; is that 2 correct? 3 A. Correct. 4 Q. In purchasing insurance from Mr. French, 5 did you develop a relationship with him in any way 6 that made you feel like you should not review the 7 insurance policy that he sold to you? 8 A. He was very friendly, especially with my 9 husband. My husband liked history. He liked 10 history. And he had some photographs in his office 11 about the Civil War and that type thing. He's in -- 12 at that time, I don't know now, but at that time he 13 was into reenactment of the Civil War, like people, 14 you know, do that type of thing. And my husband 15 liked to watch movies and read books about the 16 Civil War. So they started chatting a little bit 17 about that. And he seemed like a really nice guy. 18 Seemed trustworthy. And I had no problem with him 19 in any way. But I didn't -- no, I didn't know him 20 real close. 21 Q. And you said this was a business 22 transaction, correct? 23 A. It was. But you know how sometimes you 24 just casually talk during doing a business deal. 25 Q. How did you first purchase your</p>	<p>1 Q. So you and your husband went. Was anyone 2 else there, your friends and family, were with you? 3 A. No. 4 Q. When you went to Mr. French's office who 5 was there to meet you? 6 A. He opened the door and introduced 7 himself. And turned around and introduced us to the 8 girl that wrote up the policies for him. And I 9 don't remember her name. 10 Q. Okay. So aside from Mr. French and this 11 woman, whose name you don't remember, is there 12 anyone else at Mr. French's office there when you 13 went to purchase your policy for the first time? 14 A. I don't think so. I don't remember 15 anyone else. 16 Q. When you went to buy insurance from 17 Mr. French's office, what type of insurance were you 18 looking to purchase? 19 A. Windstorm, fire, theft. The normal 20 homeowners policy. Something that the mortgage 21 company would accept also. 22 Q. Okay. Was the price of the policy a 23 factor in determining whether you would purchase it? 24 A. I don't know if it was or not because I 25 didn't go anywhere else.</p>

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<p>1 Q. Okay.</p> <p>2 A. I was satisfied with what I thought I</p> <p>3 had.</p> <p>4 Q. Okay.</p> <p>5 A. I never -- I never tried anyplace else.</p> <p>6 Q. Were you looking for more or less</p> <p>7 coverage based on the price that they gave you?</p> <p>8 A. I thought I was covered pretty well.</p> <p>9 Q. Did you negotiate at all on the price</p> <p>10 with them?</p> <p>11 A. No. They told me how much it was going</p> <p>12 to be. I was new in the area. I didn't -- I didn't</p> <p>13 know what other people were paying or who they were</p> <p>14 with or anything. So I had nothing to compare it</p> <p>15 to.</p> <p>16 Q. At the time you went in to purchase the</p> <p>17 policy, were you aware of the existence of flood</p> <p>18 insurance?</p> <p>19 A. I guess I was aware of it that some</p> <p>20 people needed it. I had never lived where I needed</p> <p>21 flood insurance. And when I was told I didn't need</p> <p>22 it, I was surprised because I had paid it at the</p> <p>23 condo in Pass Christian. I had flood insurance</p> <p>24 there. It was -- it was demanded through the</p> <p>25 mortgage company.</p>	<p>1 homeowners insurance?</p> <p>2 A. No, I wasn't because all the insurance</p> <p>3 was -- it had to have flood insurance and you had to</p> <p>4 have homeowners insurance and it was all together in</p> <p>5 one condo fee. So I wasn't sure. I just never</p> <p>6 thought about it.</p> <p>7 I paid it all under one condo fee. And I</p> <p>8 had insurance that they demanded I had, which was</p> <p>9 homeowners and flood.</p> <p>10 Q. So they demanded that you have</p> <p>11 homeowners, but they also made -- this is the condo</p> <p>12 association or the mortgage company --</p> <p>13 A. Uh-huh (affirmative response).</p> <p>14 Q. -- in Pass Christian?</p> <p>15 A. Uh-huh (affirmative response). It was</p> <p>16 condo association.</p> <p>17 Q. They demanded you have homeowners</p> <p>18 insurance, but they also demanded that you have</p> <p>19 flood insurance, correct?</p> <p>20 A. Right.</p> <p>21 Q. So you understood based on your</p> <p>22 experience with condo in Pass Christian that flood</p> <p>23 insurance was additional to homeowners insurance; is</p> <p>24 that right?</p> <p>25 A. I guess I did, but I really had never</p>
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<p>1 And so I said, "Well, I've never had flood</p> <p>2 insurance." And they said, "Well, you have to have</p> <p>3 flood insurance here." I said, "Fine." So I bought</p> <p>4 flood insurance.</p> <p>5 Q. So you had purchased flood insurance</p> <p>6 policy before for your condo; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall when you purchased that</p> <p>9 flood insurance in Pass Christian?</p> <p>10 A. When I bought the condo and mortgaged it.</p> <p>11 Q. Do you know when that was?</p> <p>12 A. In the 90's at some point, probably</p> <p>13 around ninety -- it was before '96 because my</p> <p>14 husband retired in '96. And that's when we started</p> <p>15 coming over here quite a bit. So it must have been</p> <p>16 around '94, '95.</p> <p>17 Q. Okay. Do you know what insurance company</p> <p>18 purchased your flood policy through?</p> <p>19 A. I don't remember. It was a condo deal.</p> <p>20 It was paid in the escrow and they had the insurance</p> <p>21 certificates and all. And I had to, you know, pay.</p> <p>22 It was all in with the condo fees.</p> <p>23 Q. Okay. So you were aware because of your</p> <p>24 experience in Pass Christian with your condo that</p> <p>25 flood insurance was a separate policy from</p>	<p>1 thought about it that much. But I did think about</p> <p>2 it when I purchased insurance and I saw no flood was</p> <p>3 covered and I asked her about it.</p> <p>4 Q. Okay.</p> <p>5 A. And I -- so and that's when she said,</p> <p>6 "You don't need it here. You've got everything you</p> <p>7 need. Before the water would ever get to your</p> <p>8 house, it would be blown away." That's what I was</p> <p>9 told at John French's office.</p> <p>10 Q. So the woman -- again, I want to step</p> <p>11 back and we'll talk about this conversation.</p> <p>12 A. Okay.</p> <p>13 Q. Based on your experience in</p> <p>14 Pass Christian, and did you know that flood</p> <p>15 insurance was optional at -- that you could purchase</p> <p>16 flood insurance as an additional part of your</p> <p>17 coverage?</p> <p>18 A. No, I didn't. I thought if you had to</p> <p>19 have flood insurance, you had -- the mortgage</p> <p>20 company demanded it. And you had to have it, so.</p> <p>21 Q. Did you think that you would -- you were</p> <p>22 not able to purchase flood coverage? For example,</p> <p>23 if -- if you did not -- if the mortgage company did</p> <p>24 not require you to have flood coverage, did you</p> <p>25 think that you wouldn't be able to secure it?</p>

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19 (Pages 70 to 73)

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<p>1 A. I figured I could probably buy it. But I 2 was told I didn't need it. And I had a FEMA 3 certificate saying I didn't need it. So I mean, 4 that it wasn't a flood zone. So I was not here 5 during Camille. I never knew that it flooded 6 before. I just assumed that it had never flooded 7 before. 8 Q. Okay. But based on your experience, you 9 had an understanding that even if the flood -- even 10 if the mortgage company did not require flood 11 insurance, you could purchase flood insurance? 12 A. Yeah. I knew some people had flood 13 insurance. 14 Q. All right. Now, let's talk about when 15 you went to Mr. French's office. 16 A. Okay. 17 Q. And the woman that was there and the 18 conversation you had with her. Tell me -- first of 19 all, let's talk about this woman. Do you recall -- 20 you said you don't recall her name. Do you recall 21 what her position was in the office? 22 A. She wrote up the policies and stuff like 23 that. So I'm -- I would imagine she worked as a 24 clerk, as an insurance person, you know, just all 25 different tasks that needed to be done.</p>	<p>1 At this time she probably would have been in her 2 50's. Not at that time, you know. 3 Q. At that time she would -- 4 A. She was probably -- probably would have 5 been in her late 30's or early 40's. 6 Q. Okay. But that conversation -- that 7 conversation took place in -- well, would it be fair 8 to say -- let me strike that. 9 That conversation might have taken place in 10 approximately 1999; is that correct? 11 A. Probably. 12 Q. So at that time, your testimony is that 13 in 1999 she probably would have been in her late 14 30's or early 40's; is that right? 15 A. Yes. 16 Q. Where in the office did the conversation 17 take place? 18 A. In the -- when you went into the office 19 they had John French's to the left and the office 20 that we went in went to the right. 21 Q. Okay. And you said that Mr. French's 22 office door was open; is that right? 23 A. Yes. 24 Q. And he was on the phone; is that right? 25 A. Yes. Well, at some point, not the whole</p>
Page 71	Page 73
<p>1 Q. Do you recall what she looked like? 2 A. Not really. I mean, she was white. She 3 was medium. 4 Q. Medium in? 5 A. In size. In looks. She was nothing 6 outstanding in any way. She wasn't ugly. She 7 wasn't pretty. Nothing that I remember 8 specifically. An average person at work. 9 Q. Do you recall the color of her hair? 10 A. Kind of blondish-reddish I believe, maybe 11 a light brown. 12 Q. Blondish-reddish, light brown. Anything 13 -- 14 A. It wasn't black and it wasn't real 15 blonde. 16 Q. Okay. 17 A. I can put it like that. 18 Q. Do you recall approximately how tall she 19 was? 20 A. Probably about 5'3", maybe 4. 21 Q. Okay. And you said she was white? 22 A. Yeah. 23 Q. Was she an older woman? Was she a 24 younger woman? 25 A. I think she was a little younger than me.</p>	<p>1 time I don't guess, but at some point I remember him 2 being on the phone. 3 Q. If he was on the phone, he wasn't in the 4 office with you during this conversation; is that 5 correct? 6 A. He wasn't in there. He might have came 7 in and out. I don't remember for sure. But he was 8 around and he was in that office next door. 9 Q. And he was not the person whom you had a 10 conversation about flood insurance; is that right? 11 A. No. I didn't have the conversation with 12 him. 13 Q. Okay. 14 A. It was with the girl that worked in his 15 office. 16 Q. Approximately how long did the 17 conversation last? 18 A. Probably 30, 40 minutes. 19 Q. And of that 30 or 40 minutes, 20 approximately how long did you speak with this woman 21 about flood insurance in particular? 22 A. I never -- not long. Maybe one minute. 23 Q. Okay. 24 A. Because I asked her about flood insurance 25 and she said, "You don't need it. You've got all of</p>

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20 (Pages 74 to 77)

Page 74	Page 76
<p>1 your bases covered. Everything you need is there."</p> <p>2 Q. So aside from the woman and you, was</p> <p>3 anyone else in the room?</p> <p>4 A. My husband was in the room.</p> <p>5 Q. As best as you recall, what did you say</p> <p>6 to her or ask her?</p> <p>7 A. I said, "You don't have me down for flood</p> <p>8 insurance, do you?" She said, "No, you don't need</p> <p>9 it."</p> <p>10 Q. Okay.</p> <p>11 A. And I said, "But I had it at</p> <p>12 Pass Christian." And she says, "Well, you're not in</p> <p>13 a flood zone. You don't need it."</p> <p>14 Q. Do you remember anything else about that</p> <p>15 conversation aside from that?</p> <p>16 A. No. Really, she said, "You've got all of</p> <p>17 your bases covered." And she said, "You're</p> <p>18 protected." She said, "If you ever need" -- I said,</p> <p>19 "But we live" -- "we" -- "our house is pretty close</p> <p>20 to the water." I remember saying that. She said,</p> <p>21 "Before the water would ever get to you," she said,</p> <p>22 "your house would be blown away." And so she said,</p> <p>23 "You've got all of the coverage you need. You've</p> <p>24 got fire, wind, hail." I said, "Okay. As long as</p> <p>25 we've got all of our bases covered."</p>	<p>1 that. And she said, "And you don't need it anyway."</p> <p>2 And so I just dismissed it.</p> <p>3 Q. So you had a concern that you needed</p> <p>4 flood insurance when you were sitting there with</p> <p>5 her; is that correct?</p> <p>6 A. Well, I thought it would be part of the</p> <p>7 package, just like in the condo package was. I</p> <p>8 thought I would pay some flood insurance, yeah. I</p> <p>9 thought I would have it. But then I was told I</p> <p>10 didn't need it. So I didn't -- I didn't go out and</p> <p>11 purchase it.</p> <p>12 Q. You were concerned because you knew that</p> <p>13 your home was so close to the ocean; is that</p> <p>14 correct?</p> <p>15 A. I knew -- yeah.</p> <p>16 Q. And you've testified that she said, "You</p> <p>17 don't need it." Did you ask her what she meant by,</p> <p>18 "You don't need it"?</p> <p>19 A. No.</p> <p>20 Q. You said that she said you were fully</p> <p>21 covered. Did you ask what she meant by "fully</p> <p>22 covered"?</p> <p>23 A. Well, I told her I wanted all of my bases</p> <p>24 covered. And then when I didn't see "flood" marked</p> <p>25 like on the other parts of it, where it was</p>
Page 75	Page 77
<p>1 And then the mortgage company accepted it</p> <p>2 and, like I said, I had a certificate from FEMA</p> <p>3 saying I was not in a flood zone. And I thought,</p> <p>4 "Well, this is all" -- "they're professionals in</p> <p>5 their line of business," and I believed them.</p> <p>6 Q. Did you look at the flood map with her</p> <p>7 while you were in your -- while you're in her</p> <p>8 office?</p> <p>9 A. No. We didn't discuss it that much.</p> <p>10 Q. Okay. So you understood when you</p> <p>11 purchased the policy that it did not cover flooding;</p> <p>12 is that correct?</p> <p>13 A. I understood that, yes.</p> <p>14 Q. Okay. How did you -- you said that --</p> <p>15 earlier in your testimony that you looked at</p> <p>16 something and realized that flooding was not covered</p> <p>17 in the policy. How did you know that flooding was</p> <p>18 not covered in the policy when you're in her office?</p> <p>19 A. Because when I was looking at hail, wind,</p> <p>20 fire, and all the different categories that it</p> <p>21 covered, I didn't see "flood" marked.</p> <p>22 Q. Okay.</p> <p>23 A. And I asked her, I said, "Well, I don't</p> <p>24 see any flood insurance." And she said, "You buy</p> <p>25 that from someone else," I think, something like</p>	<p>1 explaining what it was on the coverage, I asked her</p> <p>2 about the flood. I said, "I don't see any flood</p> <p>3 coverage." And that's when she told me, "You don't</p> <p>4 need it." So I wasn't -- like I said, she told me</p> <p>5 that and I had the certificate saying I didn't need</p> <p>6 it. The mortgage company didn't demand it.</p> <p>7 Q. The FEMA certificate didn't say, "You</p> <p>8 don't need flood insurance"?</p> <p>9 A. No, it didn't. It said I'm not in a</p> <p>10 flood zone.</p> <p>11 Q. Is it fair to say that when she said,</p> <p>12 "You don't need it," you understood that to mean</p> <p>13 that it's not required because of the FEMA</p> <p>14 certificate?</p> <p>15 A. No. I didn't think about it not being</p> <p>16 required. I just thought it had never flooded there</p> <p>17 and, therefore, I didn't need flood insurance.</p> <p>18 Q. And so you did understand that you did</p> <p>19 not have flood coverage under your homeowners policy</p> <p>20 when you purchased -- purchased it on that day; is</p> <p>21 that correct?</p> <p>22 A. Yes, I knew that.</p> <p>23 Q. Okay. You said that she told you that</p> <p>24 the home would blow away before water ever got to</p> <p>25 your property; is that correct?</p>

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21 (Pages 78 to 81)

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<p>1 A. Yes.</p> <p>2 Q. Are those her precise -- precise words</p> <p>3 that you can remember that she used?</p> <p>4 A. I said, "I don't see any flood coverage."</p> <p>5 And she said, "Oh, you don't need any flood</p> <p>6 coverage. You got all your bases covered. Before</p> <p>7 any water would ever get to you, the house would be</p> <p>8 blown away." That's -- that's what she said.</p> <p>9 Q. Did you ever seek a second opinion from</p> <p>10 anyone?</p> <p>11 A. I never did.</p> <p>12 Q. Did you ever ask to speak with Mr. French</p> <p>13 directly about flood insurance?</p> <p>14 A. No. He was sitting there with the door</p> <p>15 open when she told me all of that, so.</p> <p>16 Q. He wasn't in the room though?</p> <p>17 A. He was not in the room, but he was in the</p> <p>18 room next to me with the door open, and I'm assuming</p> <p>19 he heard what she said.</p> <p>20 Q. You can't be sure that he heard what she</p> <p>21 said?</p> <p>22 A. I cannot.</p> <p>23 Q. Did you ever call anyone else at</p> <p>24 Nationwide to seek a second opinion about flood</p> <p>25 insurance?</p>	<p>1 A. Anything is possible, but I don't</p> <p>2 remember it.</p> <p>3 Q. So you can't dispute that you declined</p> <p>4 flood insurance?</p> <p>5 A. Right.</p> <p>6 MR. EMBRY: Object to the form. I don't</p> <p>7 think she said it was ever offered to her.</p> <p>8 MS. LOCKE: She -- that's fine.</p> <p>9 Q. (By Ms. Locke) At the time you purchased</p> <p>10 -- strike that.</p> <p>11 After you purchased your policy on that</p> <p>12 initial visit, how did you receive your policy?</p> <p>13 A. I think I got a copy when I left the</p> <p>14 office of the date of standard protection. But then</p> <p>15 I think the policy itself came in the mail a couple</p> <p>16 of weeks later.</p> <p>17 Q. Okay. Did you read it when you received</p> <p>18 it?</p> <p>19 A. No. I just looked to see if it was the</p> <p>20 same coverage and it was the same thing I had, so I</p> <p>21 just stuck it in a fireproof box.</p> <p>22 Q. But you did review the policy to ensure</p> <p>23 that it was what you had purchased while you were at</p> <p>24 Mr. French's office; is that correct?</p> <p>25 A. Yeah. Just to see if it matched what I</p>
Page 79	Page 81
<p>1 A. No.</p> <p>2 Q. Did you ever discuss with your husband</p> <p>3 the fact that you didn't have flood insurance?</p> <p>4 A. No. He was with me when that happened</p> <p>5 and he -- he agreed with me. When we left, I said,</p> <p>6 "Are you satisfied with our policy?" He said,</p> <p>7 "Yeah, I think we've got good coverage." That was</p> <p>8 it.</p> <p>9 Q. Did Nationwide ever provide you a flood</p> <p>10 insurance quote?</p> <p>11 A. No, not that I remember.</p> <p>12 Q. Do you -- can you dispute the fact that</p> <p>13 Nationwide did provide you a flood insurance quote?</p> <p>14 A. I can't dispute it, but I don't remember</p> <p>15 it.</p> <p>16 Q. So it's a possibility that Nationwide</p> <p>17 provided you with flood insurance quote?</p> <p>18 A. It's a possibility.</p> <p>19 Q. Do you dispute the fact that you declined</p> <p>20 to purchase flood insurance after --</p> <p>21 A. No, I don't dispute that. Because I</p> <p>22 don't remember ever talking to them other than the</p> <p>23 one time about flood insurance.</p> <p>24 Q. Is it possible that Nationwide provided</p> <p>25 you a flood quote which you declined to purchase?</p>	<p>1 had a quote for from when I left their office.</p> <p>2 Q. Was there anything different or missing</p> <p>3 from what you had purchased as to what was provided</p> <p>4 in the policy?</p> <p>5 A. Not that I remember.</p> <p>6 Q. Did you renew your policy every year</p> <p>7 since the time you purchased your policy from</p> <p>8 Mr. French?</p> <p>9 A. Yeah. It was renewed through them each</p> <p>10 year.</p> <p>11 Q. Okay.</p> <p>12 A. It might have changed a little bit</p> <p>13 because it came out I think one time and assessed</p> <p>14 the property. And it went up a little bit. And</p> <p>15 then I think the insurance might have went up a</p> <p>16 little bit or something. I don't remember for sure.</p> <p>17 But basically it was the same thing.</p> <p>18 Q. Did you receive a renewal each year and</p> <p>19 now that had new pages that would list your policy</p> <p>20 amounts on it?</p> <p>21 A. I think so.</p> <p>22 Q. Did you review those each year when they</p> <p>23 came in?</p> <p>24 A. I glanced at them.</p> <p>25 Q. Okay.</p>

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22 (Pages 82 to 85)

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<p>1 A. I didn't read the whole thing. I mean, I 2 thought I knew what I had.</p> <p>3 Q. Okay. When you left Mr. French's office 4 after purchasing your homeowners insurance policy, 5 you fully understood that if there was a flood at 6 your home, you would no longer -- you would not be 7 covered for that damage; is that right?</p> <p>8 A. Right. I knew when Katrina hit that I 9 was going to take a loss for flood because I heard 10 water came. But I thought I would get, you know, a 11 big portion for windstorm.</p> <p>12 Q. So you're not -- so to the extent that 13 your home was damaged by flood, I'm not saying you 14 agree with me that it was, but to the extent your 15 home was damaged by flood, you agree that Nationwide 16 -- your policy, Nationwide policy does not cover 17 that damage; is that correct?</p> <p>18 A. The flood part.</p> <p>19 Q. Correct. So you understand that to the 20 extent your home was damaged by flood in hurricane 21 Katrina, you are not covered for that flooding; is 22 that right?</p> <p>23 A. For the flooding only. But I feel like 24 -- like she told me I had my furniture coverage. I 25 had extended living. I had all of those things.</p>	<p>1 up -- the drain system on the street, if that got 2 stopped up or something, and water -- because water 3 had never even gotten in my yard.</p> <p>4 And if that ever happened and the water 5 backed up and got into your house, they added that 6 to the policy, I believe, something like that. And 7 that's when I called her and asked her what did that 8 mean because that was something new. And she said, 9 "Oh," she said, "the policy was just a little 10 increase on the account of your backup," and that's 11 when she explained what the backup flooding meant. 12 And so she said, "We just put that in the policy." 13 And I said, "Fine."</p> <p>14 Q. Did you believe that -- you didn't 15 believe that that had anything to do with hurricane 16 storm surge though, correct?</p> <p>17 A. No, I didn't.</p> <p>18 Q. Okay. Aside from that conversation with 19 her about the backup flooding provision in your 20 policy, do you recall any other conversations that 21 you had with this woman or Mr. French about flood 22 insurance or water damage being covered under your 23 policy?</p> <p>24 A. Well, when we were talking about that, I 25 said, "Well, what happens if the toilet starts</p>
Page 83	Page 85
<p>1 And I feel like with a storm beating for 12 hours 2 like that before it ever -- before the water ever 3 touched, that I had gotten some damage. I had trees 4 all around me. And I probably got a lot of damage 5 from the storm before the water ever got there. And 6 I felt like I should be compensated for it.</p> <p>7 Q. Did you have any other conversations with 8 this woman or Mr. French about your homeowners 9 policy?</p> <p>10 A. I don't remember. Every now and then 11 they might change it up a little or have something 12 different. I called and talked to her a time or 13 two.</p> <p>14 Q. Do you recall ever discussing flood 15 insurance again with her?</p> <p>16 A. No. I never discussed flood insurance 17 again.</p> <p>18 Q. Okay. Do you ever recall discussing the 19 fact that flooding or water damage would not be 20 covered under your policy with her?</p> <p>21 A. They came out with something a year or so 22 before Katrina about backup flooding. And I did 23 talk a little bit about that. And what it was is 24 they -- they made an increase in the policy, I 25 believe, about like if the sewage lines gets stopped</p>	<p>1 leaking or something like that and I get water in 2 the house?" She said, "You're not covered under 3 that. You're just covered under backup water from 4 the street." I said, "Okay." So I understood what 5 she was talking about. And that's the only time we 6 ever talked about it.</p> <p>7 Q. In approximately February 2002, there was 8 a change of coverage on your property increasing it 9 to approximately \$126,000 for replacement cost of 10 the dwelling. Do you recall making that change?</p> <p>11 A. I remember something about that at one 12 time.</p> <p>13 Q. Do you recall any conversation that you 14 might have had with -- with this woman or Mr. French 15 at that time?</p> <p>16 A. Replacement cost. It seemed like that's 17 when they might have assessed the property. And it 18 went up in value a little and so they increased it a 19 little bit. And --</p> <p>20 Q. Do you recall an inspection report that 21 you provided to Nationwide?</p> <p>22 A. I don't really remember. Now that you 23 bring it up, it seems like that might have happened.</p> <p>24 Q. Do you recall why -- why you would have 25 provided this report or why you would have increased</p>

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23 (Pages 86 to 89)

Page 86	Page 88
<p>1 the coverage on your property?</p> <p>2 A. Just the value of it went up and I just</p> <p>3 wanted to be covered.</p> <p>4 Q. So aside from the backup water</p> <p>5 conversation that you had with this woman in</p> <p>6 Mr. French's office, the original conversation you</p> <p>7 had about flood insurance, do you recall any other</p> <p>8 conversation that you had with Mr. French or this</p> <p>9 woman in his office or anyone else at Mr. French's</p> <p>10 office about specific policy provisions in your</p> <p>11 homeowners insurance?</p> <p>12 A. No.</p> <p>13 Q. You cancelled your insurance policy in</p> <p>14 approximately March of 2006 with Nationwide; is that</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. How did you cancel that policy?</p> <p>18 A. I called and told them I wanted to cancel</p> <p>19 it. They billed me for it and I didn't have a house</p> <p>20 anymore. So why would I pay insurance on a house</p> <p>21 that I didn't even have anymore? I had nothing but</p> <p>22 a slab.</p> <p>23 Q. Did you do it in person or over the</p> <p>24 phone?</p> <p>25 A. I did it over the phone to start with. I</p>	<p>1 Q. Did you discuss anything else with</p> <p>2 Mr. French at that time?</p> <p>3 A. I don't remember much of a conversation.</p> <p>4 Q. Okay. Was anyone else there aside from</p> <p>5 Mr. French and you?</p> <p>6 A. There was a couple of ladies or maybe at</p> <p>7 least one lady, maybe two working around in the</p> <p>8 office. One directed me where to go.</p> <p>9 Q. Okay. But as part of your conversation</p> <p>10 with Mr. French, it was just the two of you; is that</p> <p>11 right?</p> <p>12 A. Just the two of us.</p> <p>13 Q. Did you discuss the handling of your</p> <p>14 insurance claim with him?</p> <p>15 A. I told him I was not happy with it.</p> <p>16 Q. Anything else you recall about that</p> <p>17 conversation?</p> <p>18 A. Nothing particular.</p> <p>19 Q. You don't -- do you recall anything that</p> <p>20 he said to you?</p> <p>21 A. Well, he said something like, "If it</p> <p>22 makes you feel any better, I didn't get paid</p> <p>23 either." And I said, "And you're still working for</p> <p>24 them?" That's approximately. He said, "Yes, I'm</p> <p>25 still working." But it's -- "My office is my only</p>
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<p>1 started it when I was still in Alabama when I got</p> <p>2 billed for the insurance. And I said, "I'm not</p> <p>3 paying that. I don't have a house anymore."</p> <p>4 Q. Do you recall who you spoke with?</p> <p>5 A. I called John French's office, and I'm</p> <p>6 not sure who I talked with that time. But then they</p> <p>7 told me that I would have to come in in person</p> <p>8 because I said, "And I would like to have a refund</p> <p>9 back since the storm," because they were not paying</p> <p>10 me. And I felt it was unfair. And so he says -- or</p> <p>11 whoever I talked to -- I mean, not "he," because I</p> <p>12 don't remember for sure who I talked to. There was</p> <p>13 a lot going on then. But they told me I would have</p> <p>14 to come into the office to get the refund. And I</p> <p>15 said, "Well, I'm coming back down that way in a</p> <p>16 couple of weeks. When I get there, I'll come see</p> <p>17 you."</p> <p>18 So I went to the office and I talked to</p> <p>19 John French that day and told him. And that I</p> <p>20 wanted to cancel the insurance and I wanted a refund</p> <p>21 back from everything that I had paid since Katrina.</p> <p>22 And because it was in escrow and I couldn't get out</p> <p>23 of it.</p> <p>24 Q. What --</p> <p>25 A. And so he said okay.</p>	<p>1 expense." I thought that's not very smart.</p> <p>2 Q. Anything else that you remember about</p> <p>3 that conversation?</p> <p>4 A. No.</p> <p>5 Q. Okay. Have you spoken with Mr. French or</p> <p>6 anyone else?</p> <p>7 A. Since then?</p> <p>8 Q. Since that night?</p> <p>9 A. Not that I remember.</p> <p>10 (Exhibit 2 - Declaration Page marked for</p> <p>11 identification.)</p> <p>12 Q. I'm going to hand you what's been marked</p> <p>13 as Defense Exhibit 2. Do you recognize what this</p> <p>14 document is?</p> <p>15 A. Yeah. It's a coverage on the insurance.</p> <p>16 Q. Okay. Did you receive a document like</p> <p>17 this every year from Nationwide?</p> <p>18 A. Similar. Uh-huh (affirmative response).</p> <p>19 I think every year. I think I did every year.</p> <p>20 Q. And this is the declaration page that was</p> <p>21 in effect on your property at the time of hurricane</p> <p>22 Katrina; is that correct?</p> <p>23 A. As far as I can remember, yes.</p> <p>24 Q. Okay. Do you have any other documents</p> <p>25 that would reflect, aside from this one, that would</p>

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24 (Pages 90 to 93)

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<p>1 reflect the insurance coverage that you had on your 2 property at the time of hurricane Katrina? 3 A. No. 4 Q. You see that sort of third -- about a 5 fourth of the way down the page, it says, "Policy 6 Period From"? Do you see that, on the first page? 7 A. Okay. "Policy Period From." 8 Q. And it -- 9 A. Oh, yeah, I see it now. Okay. 10 Q. And it says, "January 08, 2005 to 11 January 08, 2006." Do you see that? 12 A. Correct. Uh-huh (affirmative response). 13 Q. And that would have been the period 14 during which Katrina happened; is that right? 15 A. Yes. 16 Q. Okay. If you looked down the page where 17 it says "Section One, Property Coverages," do you 18 see that? 19 A. "Property Coverages," where at? 20 Q. If you look midway down the page where it 21 says, "Section 1." 22 A. Oh, "Property Coverage," yes. 23 Q. "Property Coverage." 24 A. Uh-huh (affirmative response). 25 Q. And it says -- and it has a list of</p>	<p>1 that, she said, "This is a replacement cost coverage 2 policy," so it would cover more as time goes on 3 because of the expense going up all the time? 4 Q. If you turn to page two. 5 A. So I thought that I might have a little 6 more coverage. I know it's not a lot, but just like 7 things go up. 8 Q. If you look at the second category, it 9 says, "Options Available." Do you see that? 10 A. The second -- oh, yeah. 11 Q. "Options Available." And the second one 12 down says, "Option K, Replacement Cost Plus 13 Dwelling." Do you see that? 14 A. Okay. Wait, wait, wait. "Options 15 Applicable"? 16 Q. Yeah. And then the second one down says 17 "Option K, Replacement Cost Plus Dwelling." Do you 18 see that? 19 A. "Option K, Replacement Cost Plus 20 Dwelling," yeah, applies. 21 Q. I think that's what you're referring to. 22 A. That's what I was talking about, yeah. 23 Q. Do you understand that "Option K, 24 Replacement Cost Plus" only applies if you rebuild 25 your home?</p>
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<p>1 Coverage A through D. Do you see that? 2 A. Yes, I see that. 3 Q. Starting with the first one, it says, 4 "Coverage A, Dwelling." And if you move across the 5 line, it says, "\$106,800." Do you see that? 6 A. Yes, I do. 7 Q. Do you have any reason to disagree that 8 this number accurately reflects the value of your 9 home, the dwelling, your home at the time of 10 hurricane Katrina? 11 A. Yes. It wasn't enough insurance to cover 12 my home. My husband and I had talked about that. 13 Well, since we just remodeled and put so much money 14 into it, we need to increase the insurance, but we 15 had not got around to doing it yet. 16 Q. Okay. Do you understand that this number 17 means that for damage to the home itself you are 18 only entitled to recover \$106,800 for the actual 19 cash value of your dwelling? 20 A. No. We had somewhere in our policy, I 21 remember that it -- it was supposed to cover, I 22 forgot what they call it, replacement coverage. 23 Q. Replacement cost coverage. 24 A. Yes. Replacement cost coverage. So I 25 understood when I was talking to the girl about</p>	<p>1 A. No. 2 Q. Okay. If you could turn back to the 3 first page. 4 A. Okay. 5 Q. Looking at "Coverage B, Other 6 Structures," it lists the dollar value of "\$10,680." 7 Do you see that? 8 A. I do. 9 Q. But you have already testified that you 10 didn't have other structures on your property; is 11 that correct? 12 A. Right. That's just something that came 13 with the policy she said. 14 Q. Okay. 15 A. I told her I didn't have anything for 16 that. 17 Q. So you would -- you would agree that that 18 coverage would not apply in your circumstances; is 19 that correct? 20 A. Yeah, that was supposed to be outside 21 buildings and stuff, which I had none. 22 Q. Okay. 23 A. But she said it just come along with the 24 policy, so. And in case I'd ever get a shed or 25 something and put some tools in it, it would be</p>

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25 (Pages 94 to 97)

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<p>1 automatically covered, but I had not done that.</p> <p>2 Q. Okay. The next one down says,</p> <p>3 "Coverage C, Personal Property," and it lists the</p> <p>4 value as "\$74,706"; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. Do you have any reason to disagree that</p> <p>7 this would be the value -- this would be an accurate</p> <p>8 measure of the value of the contents of your home?</p> <p>9 A. My contents was worth more than that.</p> <p>10 Q. What's the basis for your -- for that</p> <p>11 opinion?</p> <p>12 A. About -- I had added it all up one time,</p> <p>13 about 99,000, that it would have taken to go out and</p> <p>14 replace everything I had. Now, this was things like</p> <p>15 in the garage, lots of fishing equipment and --</p> <p>16 well, not lots of it, but some fishing. I giggered.</p> <p>17 I had gig lights, underwater lights, and stuff like</p> <p>18 that.</p> <p>19 Q. You said you went through --</p> <p>20 A. And my furniture.</p> <p>21 Q. You said you went through and added up</p> <p>22 the value. When did you do that?</p> <p>23 A. After the storm.</p> <p>24 Q. So this would have been a post Katrina</p> <p>25 list that you prepared?</p>	<p>1 thought it would cost you to replace it after</p> <p>2 hurricane Katrina; is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. So those -- those two different ways that</p> <p>5 you came to a value amount --</p> <p>6 A. Uh-huh (affirmative response).</p> <p>7 Q. -- how did you decide which way it would</p> <p>8 apply to which item?</p> <p>9 A. Well, everything was gone. So I had to</p> <p>10 assume that if I wanted to buy maybe I had ten</p> <p>11 purses. Okay. And if I wanted to buy ten purses I</p> <p>12 would estimate what I had actually paid for the ten</p> <p>13 I had. And claim that as a loss.</p> <p>14 Q. Did you ever provide this list to</p> <p>15 Nationwide?</p> <p>16 A. No. They never asked for it.</p> <p>17 Q. Did you ever provide it to your attorney?</p> <p>18 A. I did, but somehow or other it got lost.</p> <p>19 And I don't know if they give it back to me and I</p> <p>20 lost it in moving, or if it got lost somewhere at</p> <p>21 their office. And -- but no one has found it. I</p> <p>22 haven't found it. As far as I know, they haven't</p> <p>23 found it. But I do know that I had used one of the</p> <p>24 FEMA booklets as a guide. It wasn't just a regular</p> <p>25 tablet. It was like an area in the FEMA booklet of</p>
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<p>1 A. No. It was after Katrina.</p> <p>2 Q. Okay. I think you -- I think I might</p> <p>3 have misspoke or you misheard me. But when you went</p> <p>4 through your home and added up all of the totals,</p> <p>5 that list you prepared would have been after</p> <p>6 hurricane Katrina, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And it would have been a list that you</p> <p>9 prepared with insurance coverage in mind; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. How did you -- how did you decide what</p> <p>13 the value of each item listed was?</p> <p>14 A. Because I -- I made a list of each item</p> <p>15 as I thought about it. It took me weeks. I just</p> <p>16 put a tablet, a booklet type thing on the table.</p> <p>17 When I'd think of something, I'd write it down under</p> <p>18 which room it was, under what area. And then after</p> <p>19 a few months when I thought I had remembered</p> <p>20 everything, then I -- I realized I either thought</p> <p>21 about how much I had paid for it or if I had to go</p> <p>22 buy it again how much it would cost me. And I used</p> <p>23 that as a figure.</p> <p>24 Q. Okay. So you didn't -- you either used</p> <p>25 the cost that you paid for it originally or what you</p>	<p>1 losses. And they are the ones that had the rooms</p> <p>2 divided out. And I thought, "Well, that's a good</p> <p>3 idea because everything that would have been in this</p> <p>4 room I put on the list." And I just started using</p> <p>5 it like that. And I don't remember.</p> <p>6 Q. Did your attorneys ever tell you that</p> <p>7 Nationwide requested that document from you?</p> <p>8 A. I don't remember it.</p> <p>9 Q. Okay. Do you recall what the total value</p> <p>10 you came to in that document was?</p> <p>11 A. Yeah. It was around 99,000. I</p> <p>12 remembered thinking it's pretty close to a hundred</p> <p>13 thousand, but it was 99 something.</p> <p>14 Q. And that 99,000 -- approximately \$99,000</p> <p>15 reflected the totality of all of your personal</p> <p>16 property in the home as you remembered it after</p> <p>17 hurricane Katrina?</p> <p>18 A. Yes.</p> <p>19 Q. If you look down to "Coverage D" where it</p> <p>20 says "Loss of Use."</p> <p>21 A. Uh-huh (affirmative response).</p> <p>22 Q. And it says "\$21,360." Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. And you agree that was the coverage that</p> <p>25 was in place at the time of hurricane Katrina?</p>

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26 (Pages 98 to 101)

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<p>1 A. Yes.</p> <p>2 Q. I don't think I asked you that question</p> <p>3 with respect to A, B, and C. Do you agree that for</p> <p>4 all of the coverages listed on this document those</p> <p>5 were the coverages that were in effect at the time</p> <p>6 of hurricane Katrina?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Focussing on "Loss of Use," do you</p> <p>9 understand that you're only entitled to this \$21,360</p> <p>10 for the loss of use of a home if that home is</p> <p>11 damaged by something that Nationwide covered?</p> <p>12 A. Uh-huh (affirmative response).</p> <p>13 Q. Do you understand that?</p> <p>14 A. Yeah. I couldn't live in the home.</p> <p>15 Q. But do you understand that if your home</p> <p>16 is destroyed by a peril that is not covered under</p> <p>17 your insurance policy that you're not entitled to</p> <p>18 this dollar amount?</p> <p>19 A. I don't understand why I didn't get it</p> <p>20 because I had the coverage and I lost my home. And</p> <p>21 in good faith, I thought Nationwide would take care</p> <p>22 of me.</p> <p>23 Q. Okay. Hypothetically speaking, if a home</p> <p>24 was destroyed by flooding, you understand that under</p> <p>25 a standard homeowners policy like yours, flooding is</p>	<p>1 End of tape two.</p> <p>2 (Off the record).</p> <p>3 VIDEOGRAPHER: Beginning tape three. On</p> <p>4 the record at 11:09.</p> <p>5 Q. (By Ms. Locke) Just before we took a</p> <p>6 break, we were looking at Defense Exhibit Number 2.</p> <p>7 And you had -- we had just looked at the -- the bold</p> <p>8 heading that said "Forms and Endorsements," HR23-A.</p> <p>9 Do you see that?</p> <p>10 A. Yes, I do.</p> <p>11 Q. So you would agree that would be part --</p> <p>12 the HO23-A would be part of your policy?</p> <p>13 A. As far as I can tell.</p> <p>14 (Exhibit 1 - Homeowners Policy marked for</p> <p>15 identification.)</p> <p>16 Q. Okay. I'm going to hand you what's been</p> <p>17 marked as Defense Exhibit Number 1. Defense Exhibit</p> <p>18 Number 1 is a certified copy of your homeowners</p> <p>19 policy. And if you turn to, again, using the Bates</p> <p>20 numbers at the bottom.</p> <p>21 A. Uh-huh (affirmative response).</p> <p>22 Q. The Bates number ending in 444.</p> <p>23 A. Oh, okay.</p> <p>24 Q. And actually, I'm sorry. If you turn to</p> <p>25 Bates number 445.</p>
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<p>1 not covered, right?</p> <p>2 A. Right.</p> <p>3 Q. So hypothetically speaking, if a home was</p> <p>4 destroyed completely by water, you understand that</p> <p>5 the homeowner who had this policy would not be</p> <p>6 entitled to the loss of use coverage. Do you</p> <p>7 understand that?</p> <p>8 A. I understand what you're saying, but I do</p> <p>9 not believe for one second that my home was</p> <p>10 destroyed by water.</p> <p>11 VIDEOGRAPHER: Two minutes.</p> <p>12 Q. Okay. If you could turn the page to the</p> <p>13 next page two. We've already discussed Option K, so</p> <p>14 let's move down to the second to last bold heading</p> <p>15 towards the bottom of the page where it says "Forms</p> <p>16 Endorsement Made Part of Policy." Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. Okay. And it says HO23-A. Do you see</p> <p>19 that?</p> <p>20 A. I see that.</p> <p>21 Q. And across it says "Homeowners Policy."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 VIDEOGRAPHER: Off the record at 11:05.</p>	<p>1 A. Okay.</p> <p>2 Q. Do you see at the lower bottom left</p> <p>3 corner, it lists the number HO-23-A. Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. And that number matches the number that</p> <p>7 we just looked at in Defense Exhibit 2, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Do you understand that this policy, the</p> <p>10 certified policy was the policy that was in effect</p> <p>11 during hurricane Katrina?</p> <p>12 A. Yes.</p> <p>13 Q. Do you understand that your insurance</p> <p>14 policy is a contract between Nationwide and you?</p> <p>15 A. Yes.</p> <p>16 Q. And you understand that this policy sets</p> <p>17 out all of the items that will be covered under your</p> <p>18 policy?</p> <p>19 A. Yes, I guess.</p> <p>20 Q. And you understand that this -- this</p> <p>21 policy sets out all the types of coverages that</p> <p>22 would be provided under your policy?</p> <p>23 A. I guess so.</p> <p>24 Q. Do you also understand that this policy</p> <p>25 sets out certain types of damages that are excluded</p>

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27 (Pages 102 to 105)

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<p>1 under your policy?</p> <p>2 A. I guess. I haven't read every little</p> <p>3 word of the policy. I wouldn't understand it if I</p> <p>4 read it all.</p> <p>5 Q. Have you ever -- so you've never read the</p> <p>6 entire policy?</p> <p>7 A. No.</p> <p>8 Q. Okay. Turn to page D-1, which is found</p> <p>9 at Bates number 456.</p> <p>10 A. 456. Okay.</p> <p>11 Q. The top of the page is titled "Property</p> <p>12 Exclusions." Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And if you look at item number one, I'm</p> <p>15 going to read item number one, and then subpart B.</p> <p>16 It says, "We do not cover loss to any property</p> <p>17 resulting directly or indirectly from any of the</p> <p>18 following. Such a loss is excluded even if another</p> <p>19 peril or event contributed concurrently or any</p> <p>20 sequence to cause the loss."</p> <p>21 Subpart B states, "Water or damage caused</p> <p>22 by waterborne material. Loss resulting from water</p> <p>23 or waterborne material damage described below is not</p> <p>24 covered, even if other perils contributed directly</p> <p>25 or indirectly to cause the loss. Water and</p>	<p>1 or indirectly, to cause the loss." Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. And then under line one under Subpart B,</p> <p>4 it describes water damage to be "flood, surface</p> <p>5 water, waves, tidal waves, overflow of a body of</p> <p>6 water, whether or not driven by wind." Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand that damage caused by</p> <p>10 flooding in any sequence -- let me rephrase that.</p> <p>11 Do you understand that damage to your home that is</p> <p>12 caused concurrently or in any sequence by wind and</p> <p>13 flooding is not covered under your policy?</p> <p>14 MR. EMBRY: Object to the form. She's</p> <p>15 already answered that question I believe.</p> <p>16 Q. You can answer.</p> <p>17 A. I prefer not to.</p> <p>18 Q. I understand that you prefer not to, but</p> <p>19 you're required to answer the questions.</p> <p>20 A. I understand about the water part of it,</p> <p>21 but I will -- I will not admit in any way that the</p> <p>22 water got there before the wind. Okay.</p> <p>23 Q. I understand that, but --</p> <p>24 A. And we have wind damage. Had wind</p> <p>25 damage.</p>
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<p>1 waterborne material damage means," and in part one</p> <p>2 reads, "Flood, surface water, waves, tidal waves,</p> <p>3 overflow of a body of water, spray from these,</p> <p>4 whether or not driven by wind." Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Do you understand that this language</p> <p>7 means that flooding, whether it's flooding damage</p> <p>8 caused to your home is not covered by this policy?</p> <p>9 A. The flood only. Not only flood.</p> <p>10 Q. Okay. Do you understand that damage</p> <p>11 caused to your home by flooding, whether caused</p> <p>12 concurrently or in any sequence along with wind is</p> <p>13 also not covered under your policy?</p> <p>14 A. I don't understand that.</p> <p>15 Q. Again, let's look at the top, the very</p> <p>16 first -- first line one. The second sentence, "Such</p> <p>17 a loss is excluded even if another peril or event</p> <p>18 contributed concurrently or in any sequence to cause</p> <p>19 the loss." Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Okay. And then under Section B, if you</p> <p>22 look again at the second sentence under</p> <p>23 Subsection B, "Loss resulting from water or</p> <p>24 waterborne material damage described below is not</p> <p>25 covered even if other perils contributed, directly</p>	<p>1 Q. You agree that you had -- you agree that</p> <p>2 water did get to your property; is that correct?</p> <p>3 A. I agree that water got there. But when</p> <p>4 --</p> <p>5 MR. EMBRY: By "property," are you</p> <p>6 meaning to where her house was, her land?</p> <p>7 MS. LOCKE: Let me rephrase. That's a</p> <p>8 fair point.</p> <p>9 Q. (By Ms. Locke) You agree that storm</p> <p>10 surge reached your property at Winters Lane during</p> <p>11 hurricane Katrina; is that correct?</p> <p>12 A. I was told that. I wasn't there to see</p> <p>13 it.</p> <p>14 Q. Okay. By reading this language that I've</p> <p>15 just read to you, you agree that it says, "Flood is</p> <p>16 not covered whether or not driven by wind." Do you</p> <p>17 see that?</p> <p>18 A. Uh-huh (affirmative response).</p> <p>19 Q. Is that a yes?</p> <p>20 A. Excuse me. To some point. I think that</p> <p>21 you would either have to work in insurance or you'd</p> <p>22 have to be a lawyer to interpret all of these words.</p> <p>23 So I really -- that's why I don't want to comment on</p> <p>24 it because I am not educated in insurances and I am</p> <p>25 certainly not educated in law. And, therefore, I --</p>

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<p>1 all I can say is I was paying for a coverage in good 2 faith. I thought I was protected. And if that's in 3 the policy, I think it can be interpreted. 4 Q. Okay. Did you ever read this language 5 prior to hurricane Katrina? 6 A. Not really. I never studied it. I might 7 have glanced at the policy. I did glance at the 8 policy, but just mostly the coverage that I had. 9 And like I said, I was paying in good faith for the 10 coverage I had. So I -- I never really read the 11 policy, no. 12 Q. But the language that I just read to you, 13 did you ever read that before hurricane Katrina? 14 A. I don't think so. 15 Q. I want to move to the date of the storm, 16 or the days immediately preceding the storm. How 17 did you prepare for hurricane Katrina? 18 A. I did not prepare until Sunday morning 19 because I didn't think it was going to be much of a 20 storm. And then Sunday morning they started 21 announcing on the radio and TV that it was getting 22 bad and they started talking about a mandatory 23 evacuation and all of that. 24 So I -- just in case we had to leave, I had 25 plugged in my screwdriver, my electric screwdriver</p>	<p>1 containers that you have in closets with stuff. And 2 I dumped them and I put my papers out of my 3 fireproof box, which was my insurance policy and a 4 few other things. Because I couldn't pick up the 5 fireproof box. So I put it in the plastic thing and 6 took it with me and a few other things. 7 And then I started getting mostly just 8 pictures, pictures of my kids. And it's not that I 9 thought the water was going to come in from flood. 10 I never thought that. I thought one of those tree 11 limbs would probably fall on my house and damage it 12 and the rain would come in and get on my pictures 13 and furnitures and stuff. 14 So I said I can replace furniture, but I 15 can't replace these family pictures. And I took 16 pictures and a few important papers and that was it. 17 Q. Where did you go when you evacuated? 18 A. Birmingham. 19 Q. How long did you stay in Birmingham? 20 A. Five months. 21 Q. Did you -- during that five months, was 22 there a period when you returned to your home at 23 Winters Lane to assess the damage? 24 A. Two weeks later. 25 Q. All right. Do you recall when precisely</p>
Page 107	Page 109
<p>1 so that I could close my shutters and put the iron 2 bars up. I had the iron shutters and bars and all 3 that to protect my home. And so that was a selling 4 point when I bought it. And when we had to leave 5 for a storm I would do that. 6 So Sunday morning, I got out. Instead of 7 packing up things and trying to take it with me, I 8 spent my time trying to protect my house. I picked 9 up every garden hose, every lawn chair, everything, 10 and put it in the garage and all that kind of stuff. 11 And I boarded up. I mean, I closed all of those 12 things and put the iron bars in and everything. And 13 locked the door behind me and barred it up. Took 14 the electric drill with me, screwdriver, so I'd have 15 a way in when I got back. 16 Q. Did you move any of the items off of your 17 floor to the attic? 18 A. No. I didn't do that. I didn't have 19 room in my attic. I couldn't pick them up myself. 20 Q. Were you concerned about flooding at all? 21 A. No, not really. I didn't think I would 22 flood. I never picked up a thing. 23 Q. Did you pack any of your valuables and 24 take them with you? 25 A. I did. I got three of the plastic</p>	<p>1 it was that you returned to Winters Lane? 2 A. The date? No, I don't remember the date. 3 It was really hot. I remember that. 4 Q. Is it fair to say it was early September? 5 A. Yeah, yeah. I guess it was around the 6 middle of September. A couple of weeks after my son 7 brought me back. 8 Q. Why did you stay away for two weeks? 9 What made you -- what led to the decision? 10 A. Because I saw on TV. I saw Long Beach 11 and I -- they showed the area that I lived in. And 12 I seen there was no houses there. So that's when I 13 made my claim. 14 Q. This -- 15 A. I made it before I saw the property. 16 Q. That's what I was going to ask you. Did 17 you -- had you seen your property at all before you 18 filed your insurance claim? 19 A. No. But I had a friend -- one of the 20 neighbors that lived close to us, and he went over 21 there and looked at the property and called us and 22 told us we didn't have a house left. And that's 23 when I called the insurance company. 24 Q. When you returned two weeks later to 25 Winters Lane, can you describe what you saw?</p>

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29 (Pages 110 to 113)

Page 110	Page 112
<p>1 A. It's like the pictures, everything was 2 tore up, everything was messed up. There was 3 nothing -- nothing on my slab except a statue of 4 St. Francis sitting there when I came home. 5 Q. Let's take a moment to look back at 6 Defense Exhibit 23. Do you recognize these as the 7 photographs that you took after hurricane Katrina? 8 If you want to take a moment to flip through them. 9 A. Basically they are similar if they are 10 not ones I took. My son and I took pictures that 11 day together. It might have been off of his camera. 12 Some of them. But yeah, I recognize them. 13 Q. Looking at the -- if you turn to the very 14 first page, the Bates number is Politz 150. 15 A. Okay. 16 Q. Is this -- is this the foundation, the 17 slab foundation of your home on the left side? 18 A. Right. Right there where you see all the 19 white. 20 Q. And in the background of the picture, is 21 that the Gulf of Mexico? 22 A. Yes, uh-huh (affirmative response). 23 Q. So this would be looking south; is that 24 correct? 25 A. Correct.</p>	<p>1 two houses. That gave me a view of the gulf. They 2 had two houses actually that were town homes so each 3 one of them was two houses together. 4 Q. So -- 5 A. It was like two houses and four families 6 in front of me. One kind of on each end of my 7 house. 8 Q. So really it would have only been a 9 single row of houses. They were disconnected by the 10 single group of houses. They were deep between you 11 and the gulf? 12 A. I don't know exactly what you're saying. 13 Q. Sure. 14 A. Deep? I'm sorry. 15 Q. It's okay. That's a bad question. Let 16 me try to rephrase. If you had to walk from your 17 home to the Gulf of Mexico, how many -- how many 18 different homes would you pass along the way? 19 A. Just the two, one on each side of the 20 servitude. 21 Q. But they were -- 22 A. I would walk through the servitude 23 because I did this all of the time. I would walk 24 over there almost every day and take my dog walking 25 on the boardwalk. And there was one town home on my</p>
Page 111	Page 113
<p>1 Q. The next picture on the same page, 2 Defense Exhibit 23, page 150, there's a van, what 3 appears to be a van. Do you see that? 4 A. I do. 5 Q. Do you know whose van that was? 6 A. I have no idea. 7 Q. Do you know was this on your property? 8 A. No. 9 Q. What are we looking at here? 10 A. I don't know. Just I think it was maybe 11 where the Waffle House used to be. And I just seen 12 one tore up real bad. And I just took a picture to 13 explain -- to show my husband. He didn't come with 14 me on the trip. 15 Q. It was just you? 16 A. My son and myself, yeah. 17 Q. Look back at the first picture on, I'm 18 sorry, the first picture on page 150. 19 A. Okay. 20 Q. How many homes were between your property 21 -- approximately how many homes were between your 22 property and the Gulf of Mexico before hurricane 23 Katrina? 24 A. There was two. And they had a, I can't 25 think of the word I want to say, servitude between</p>	<p>1 left and one on my right, and each of them had two 2 -- two units. 3 Q. Were they approximately equal distance 4 from the Gulf of Mexico to each other? 5 A. Yeah. 6 Q. So what I'm trying to get at is if you're 7 -- there was really only one level of home between 8 your property and the Gulf of Mexico? 9 A. Right. 10 Q. Okay. Sorry. I had sort of a difficult 11 way to describe it. 12 A. Yeah. 13 Q. Okay. Do you know would we have -- 14 before hurricane Katrina, would we have seen the 15 town homes in this photograph at the top of the 16 page? 17 A. Oh, yeah. 18 Q. So -- 19 A. They were much bigger than my house. 20 Q. They were completely destroyed as a 21 result of hurricane Katrina? 22 A. Yes. Every house on that street was. 23 Q. If you could turn to page 153 of Defense 24 Exhibit 23. 25 A. 153?</p>

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30 (Pages 114 to 117)

Page 114	Page 116
<p>1 Q. Yes, ma'am. The top page is a photograph 2 of an upside down vehicle. 3 A. Uh-huh (affirmative response). 4 Q. Do you recognize where this was in 5 relation to your property? 6 A. It was -- I'm not real sure, but I think 7 it was kind of across the street and back a little 8 bit. My son just -- he took that picture. He was 9 just walking around taking pictures. 10 Q. When you say "across the street and 11 back," was it closer or farther away to the Gulf of 12 Mexico to your home? 13 A. I think it was a little bit further. 14 Q. Was there significant amount of sand 15 around your property when you returned? 16 A. No. I was very surprised. I thought 17 there'd be piles of sand, but there really wasn't. 18 My -- my slab didn't have any sand on it. 19 Q. What about around the car? It appears 20 that there's sand sort of piled around the car. 21 A. Well, yeah, it might have been piled 22 around a little bit. 23 Q. Do you know if that -- if it was or was 24 not in this car in this picture? 25 A. I'm not sure. I don't know that I even</p>	<p>1 street; do you -- do you remember? 2 A. I remember a little sand, but nothing 3 piled up. I was surprised by the piles of sand that 4 wasn't there. 5 Q. But there was sand that had certainly 6 been washed into the street; is that right? 7 A. They had some sand, yeah. 8 Q. Sand wasn't normally in Winters Lane, was 9 it? 10 A. No. 11 Q. If you could turn to -- to the next page, 12 page 155 of Defense Exhibit 23. Looking at the 13 bottom picture. 14 A. Uh-huh (affirmative response). 15 Q. Where are you standing? 16 A. That was my front yard. The street 17 behind me is Winters Lane. That was a tree I had 18 planted when I first bought that house. I planted a 19 tree there. 20 Q. The tree that you're standing -- 21 A. Yeah. 22 Q. The stump you're standing in front of was 23 the tree? 24 A. Right. 25 Q. And Winters Lane behind you, this picture</p>
Page 115	Page 117
<p>1 really looked at it that much. That was a -- a 2 traumatic day for me. 3 Q. If you could turn the page to page 154 of 4 Defense Exhibit 23. 5 A. Okay. 6 Q. In the top picture, is that -- is that 7 you in the photograph? 8 A. That's me. 9 Q. Is that your driveway? 10 A. I'm not sure if that was my driveway or 11 if that was the street. I think that was the 12 street. I think my son must have been like by my 13 driveway or something and he just took that one of 14 me on the street. 15 Q. Do you think your son was standing in 16 your property taking that photograph? 17 A. I think so. 18 Q. Would this have been looking north? 19 A. That would have been looking -- yeah, I 20 think so, north, more or less. 21 Q. Is that Winters Lane you would have been 22 standing on? 23 A. That would be Winters Lane and so the 24 background behind it would have been north. 25 Q. In that picture, was there sand in the</p>	<p>1 reflects the curvature that we discussed earlier in 2 one of the maps of Winters Lane, correct? 3 A. Yes. 4 Q. If you could turn to the next page, 5 page 156. Were these pictures of your property? 6 A. No. This was pictures of the property 7 right across the street from me, my neighbor's home. 8 Q. Was this across on Winters Lane? 9 A. Yes, it was. 10 Q. Was this farther to -- closer -- was this 11 closer or further away to the Gulf of Mexico than 12 your home? 13 A. It was almost the same. Because it was 14 across the street from me, but on an angle where 15 they would put us both pretty close to the same 16 water area. I might have been a little hair closer, 17 but not much. 18 Q. Do you recall did you spend time walking 19 around the neighborhood when you returned? 20 A. I stayed there for a couple of hours. 21 Q. Did you venture to the north of your 22 property at all? 23 A. I went all over my property. I didn't 24 have a very big lot. 25 Q. I'm sorry, let me rephrase the question.</p>

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31 (Pages 118 to 121)

Page 118	Page 120
<p>1 Did you venture to the north of your property into 2 the rest of the neighborhood into the rest of 3 Long Beach? 4 A. Not really. I spent most of my time 5 trying to find something that might have gotten left 6 from the storm. 7 Q. Did you see any homes that remained 8 standing? 9 A. Oh, there was none. 10 Q. You didn't see any homes in Long Beach 11 that remained standing? 12 A. Not where -- not in that area. 13 Q. Any -- in any of the areas in Long Beach 14 did you see any homes standing? 15 A. At that -- that day? No. Well, further 16 back, further back, you know, close to the tracks. 17 I saw some houses leaning and some standing and 18 they'd all took a bad hit. But then across the 19 tracks, they had like the store, Choice, was 20 standing. 21 Q. Let's look at -- turn back to Defense 22 Exhibit 30A. That's the -- leave those where they 23 are because we'll come back to Defense Exhibit 23. 24 A. Okay. 25 Q. But let's look at Defense Exhibit 30A. I</p>	<p>1 Exhibit 30A the box where your home was. 2 A. All of them right along there were 3 destroyed. Back in here, they had some that still 4 had some material standing. 5 Q. So back towards the -- the top of the 6 picture, there were homes that remained standing; is 7 that correct? 8 A. Partially standing. 9 Q. Did you view those? Did you see those 10 when you were -- 11 A. Well, I drove in from the back. 12 Highway 90 was closed. We couldn't get -- and I 13 come in through that way and I saw -- before I found 14 mine, I saw theirs. And I said, "God, everybody has 15 taken a bad hit." And then when I got up there, I 16 had nothing left. 17 Q. So there was a -- would you say it's fair 18 to say there was a line at which south of that line 19 very few homes remained standing, and north of that 20 line, there were more homes that did remain 21 standing? 22 A. Yes. I would say yes. 23 Q. Can you tell looking at Defense 24 Exhibit 30A if that line is reflected here in this 25 picture?</p>
Page 119	Page 121
<p>1 believe it might be under all of the piles of 2 exhibits. Here we go. 3 A. All right. 4 Q. Are you able to tell from this map where 5 the -- the store you recall is -- was standing? 6 A. The what was? 7 Q. I thought you just testified that there 8 was a store, a Save-A-Lot? 9 A. Oh, a Save -- yeah, but that would be 10 across the railroad tracks back here. 11 Q. So the railroad tracks is not reflected 12 in the -- can you tell if they were reflected in 13 this picture? 14 A. I can't tell. 15 Q. Okay. 16 A. I think maybe this is it. 17 Q. Okay. 18 A. It's possible. 19 Q. But you're not sure? 20 A. No, I'm not sure. 21 Q. Okay. But all of the homes south of 22 Winters Lane, to the best of your knowledge, were 23 destroyed; is that correct? 24 A. How far south, I mean? 25 Q. I mean, here you've indicated on Defense</p>	<p>1 A. No, I can't tell. 2 Q. Okay. Let's turn back to Defense 3 Exhibit 23, photographs. If you turn to page 158 of 4 Defense Exhibit 23. 5 A. Okay. 6 Q. Is this -- the picture that's on the top, 7 is this the picture from your property? 8 A. Yeah, toward the -- toward the gulf. 9 Q. Towards the gulf? 10 A. Yeah. 11 Q. So we're looking south towards the water 12 in this picture; is that correct? 13 A. Yes. 14 Q. And there are many trees, big trees that 15 remain standing south of your property towards the 16 Gulf of Mexico after Katrina, correct? 17 A. Yeah. We still have some. 18 Q. They weren't blown down by the winds; is 19 that right? 20 A. Not all of them, but a lot of them were. 21 My tree was blown down. It was twisted off. 22 Q. Do you know if you have any pictures of 23 that? 24 A. I showed you one awhile ago with the 25 stump.</p>

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32 (Pages 122 to 125)

Page 122	Page 124
<p>1 Q. The stump, that's the --</p> <p>2 A. That was a Bradford Pear tree that I had</p> <p>3 planted, and it was totally twisted off.</p> <p>4 Q. And if you turn back to page 155.</p> <p>5 A. 155.</p> <p>6 Q. I just want to make sure we're talking</p> <p>7 about the same picture.</p> <p>8 A. Okay. Sure.</p> <p>9 Q. The bottom -- the bottom picture?</p> <p>10 A. Uh-huh (affirmative response).</p> <p>11 Q. Is this the Bradford Pear tree that</p> <p>12 you're talking about?</p> <p>13 A. It is.</p> <p>14 Q. It's your testimony that you saw it</p> <p>15 twisted off?</p> <p>16 A. It was twisted. I told that to my son.</p> <p>17 I said, "That tree just twisted off." He said, "It</p> <p>18 sure did." He said, "Let me take a picture of</p> <p>19 that." And he did.</p> <p>20 Q. What made you think that it was twisted?</p> <p>21 A. Because if it would have broken, it would</p> <p>22 have had a different type wood imprint. This had a</p> <p>23 twisted imprint in the wood. So I could tell it had</p> <p>24 been twisted.</p> <p>25 Q. But you're not an expert?</p>	<p>1 know how St. Francis could have stood and the</p> <p>2 Blessed Mother would have laid in the grass because</p> <p>3 she was heavier than him.</p> <p>4 Q. I won't tell her you said that.</p> <p>5 A. Okay.</p> <p>6 Q. Okay. Let's turn to -- I'm not going to</p> <p>7 go through all of these, but I'm just trying to get</p> <p>8 an idea.</p> <p>9 A. Okay.</p> <p>10 Q. Oh, if you could turn to page 174,</p> <p>11 Defense Exhibit 23. Do you know what this is a</p> <p>12 picture of?</p> <p>13 A. I'm trying to figure out if that was a</p> <p>14 picture of my house, but I -- I think it was, but</p> <p>15 from a different angle.</p> <p>16 MR. EMERY: Do you know?</p> <p>17 Q. It's fine if you don't. I'm just trying</p> <p>18 to get an idea if this is the same property or if</p> <p>19 we're looking at something different here.</p> <p>20 A. I don't know for sure, but I think that</p> <p>21 is my property. I think that's my house, but not</p> <p>22 from the driveway and from the end where the patio</p> <p>23 was.</p> <p>24 Q. So this would be looking north; is that</p> <p>25 right?</p>
Page 123	Page 125
<p>1 A. I'm not a tree expert, no.</p> <p>2 Q. And you don't study wind damage patterns,</p> <p>3 do you?</p> <p>4 A. No.</p> <p>5 Q. So --</p> <p>6 A. But I know a twist from a break. Trust</p> <p>7 me, it was a twist.</p> <p>8 Q. Okay. Let's turn now to page 163 of</p> <p>9 Defense Exhibit 23.</p> <p>10 A. Okay. Okay.</p> <p>11 Q. The bottom picture is a statue. Is this</p> <p>12 the statue of St. Francis?</p> <p>13 A. That's St. Francis, yes, it is.</p> <p>14 Q. Did this remain standing during the</p> <p>15 storm?</p> <p>16 A. I doubt it. I think somebody knew it was</p> <p>17 mine. Probably the friend that called me and picked</p> <p>18 it up and put it on my patio.</p> <p>19 Q. You found it when you returned? It was</p> <p>20 like --</p> <p>21 A. It was just sitting there when I returned</p> <p>22 like that. And I never did think about talking to</p> <p>23 him about it. So I don't know who -- who put it</p> <p>24 there. But I had a Blessed Mother and she was</p> <p>25 laying down in the grass by the patio. So I don't</p>	<p>1 A. Looking north, yes. Or actually east. I</p> <p>2 think it would have been looking east more than</p> <p>3 north.</p> <p>4 Q. But looking away from the Gulf of Mexico?</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. If you could turn to page 178. This will</p> <p>7 be one of the last ones we look at. The top</p> <p>8 picture, do you recall where this was taken?</p> <p>9 A. I don't remember for sure where that was</p> <p>10 taken.</p> <p>11 Q. Do you see over on the far right side, it</p> <p>12 appears that there's a structure, a building there?</p> <p>13 Do you see that?</p> <p>14 A. Uh-huh (affirmative response).</p> <p>15 Q. It's got windows.</p> <p>16 A. Yeah.</p> <p>17 Q. Do you see that? Does that help you</p> <p>18 figure out where this might have been?</p> <p>19 A. No. I think that -- I think that was</p> <p>20 across the railroad tracks, just somewhere where we</p> <p>21 were driving on the street trying to leave town.</p> <p>22 And I -- I was -- my son was driving then, and I was</p> <p>23 taking a few pictures at that point. And this was</p> <p>24 the same way. I don't know what that was.</p> <p>25 Q. Do you have any idea about how far away</p>

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<p>1 from your property this would have been?</p> <p>2 A. I really don't know. I couldn't say.</p> <p>3 Q. This was not in the immediate vicinity of</p> <p>4 your property; is that correct?</p> <p>5 A. No. This was probably somewhere in</p> <p>6 Long Beach because we just -- the National Guard had</p> <p>7 told us to just go into our area and leave. And we</p> <p>8 stayed there a couple of hours and we left. And on</p> <p>9 the way out, we took pictures of different things we</p> <p>10 saw.</p> <p>11 Q. Do you recall which way you left when you</p> <p>12 exited Long Beach?</p> <p>13 A. Yeah. I went as far as I could. I got</p> <p>14 to Jeff Davis and crossed over back away from the</p> <p>15 gulf. We couldn't -- we couldn't travel on 90 at</p> <p>16 that time. And I hiked -- well, not hiked, but I</p> <p>17 felt like we were hiking, going through this mess.</p> <p>18 And we finally got over to another street. And I</p> <p>19 got -- I wanted to go see my church, and I went to</p> <p>20 St. Thomas. And we went backstreets in and out. I</p> <p>21 don't know exactly how we did it. And we come up</p> <p>22 through the back. And we got to see that St. Thomas</p> <p>23 was gone too.</p> <p>24 Q. How far was St. Thomas from your home?</p> <p>25 A. About a half-a-mile, maybe a mile.</p>	<p>1 because that's all my tile that was in the kitchen,</p> <p>2 an open area. And yes, I remember this one was.</p> <p>3 Q. This is 534.</p> <p>4 A. 534? Oh yeah. This is the walkway as it</p> <p>5 come in from the garage where we walked up. This</p> <p>6 was the front entrance to my house where the steps</p> <p>7 -- that one step was.</p> <p>8 Q. And 535?</p> <p>9 A. Okay. That's my house.</p> <p>10 Q. And 535 shows also the Gulf of Mexico, so</p> <p>11 this would be looking south?</p> <p>12 A. Yeah, from the corner backyard looking</p> <p>13 south.</p> <p>14 Q. Okay. Let's do 536 and 537 together.</p> <p>15 Those both look like your --</p> <p>16 A. Yeah, this is mine. It's all that tile</p> <p>17 on it. It's still on it. It's still out there like</p> <p>18 that. Okay. And this is --</p> <p>19 Q. 538 is. And 539?</p> <p>20 A. I think 538 is. I think that's mine,</p> <p>21 but.</p> <p>22 Q. On the top left corner --</p> <p>23 A. Uh-huh (affirmative response).</p> <p>24 Q. -- it appears like some iron fencing,</p> <p>25 would that be --</p>
Page 127	Page 129
<p>1 Q. Looking at Defense Exhibit 30A, is there</p> <p>2 any -- do you have any idea where in relation to</p> <p>3 your property St. Thomas might have been?</p> <p>4 A. It wasn't right there. It was further</p> <p>5 down. About a mile down the road probably.</p> <p>6 Q. Okay. Okay. You can set Defense</p> <p>7 Exhibit 23 aside.</p> <p>8 A. Okay.</p> <p>9 Q. I do have more pictures though, just some</p> <p>10 exhibits.</p> <p>11 (Exhibit 22 - Photographs marked for</p> <p>12 identification.)</p> <p>13 Q. I'm going to hand you what's been marked</p> <p>14 as Defense Exhibit 22. I'm not going to go</p> <p>15 one-by-one through these. These are photographs</p> <p>16 that I will represent to you were taken by</p> <p>17 Nationwide when looking at your property. And what</p> <p>18 I was hoping you could do is just flip through</p> <p>19 these, one-by-one, taking your time if you need to,</p> <p>20 to look at the photographs and tell me if they are</p> <p>21 photographs of your property as you recognize your</p> <p>22 property after hurricane Katrina.</p> <p>23 A. This first one is. That was my house.</p> <p>24 The second one is. The tile stuck. Most of the</p> <p>25 tile was still there. This one is, the third,</p>	<p>1 A. Oh, yeah, that's the -- yeah, that's</p> <p>2 mine, because that's the end of where the fence was.</p> <p>3 Q. Okay.</p> <p>4 A. The wrought iron. Remember, I told you</p> <p>5 it come down by side of the house. That's the end</p> <p>6 of the patio. Yeah, that was it. And this was it.</p> <p>7 It's a chair I found out there in the garbage and</p> <p>8 sit down.</p> <p>9 Q. On 539?</p> <p>10 A. Oh, the slab, yeah. I sat in that one.</p> <p>11 Q. So Defense Exhibit 22, looking at</p> <p>12 page 540.</p> <p>13 A. That was one of my bathrooms.</p> <p>14 Q. Okay. Page 541, would this be looking</p> <p>15 north?</p> <p>16 A. I don't know. Probably so. Yeah, I</p> <p>17 think so, northeast.</p> <p>18 Q. Okay. And page 542, was this</p> <p>19 Winters Lane?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recognize the --</p> <p>22 A. This was my house, so this was looking</p> <p>23 directly across the street. This was the house</p> <p>24 where the hot tub and the swimming pool was, right</p> <p>25 across the street.</p>

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<p>1 Q. So this would be across the street from 2 Winters Lane? 3 A. Yes. 4 Q. Not the home to the north or, you know, 5 away from the Gulf of Mexico? 6 A. John Bull owned this one. Him and his 7 wife Lisa owned that house. 8 Q. I'm sorry. What was his name? 9 A. John Bull. He lived in that house. 10 Q. And that home was destroyed and nothing 11 but the slab remained after Katrina? 12 A. Right. And this is just another picture 13 of the same area. 14 Q. Okay. Picture 543 is what you're 15 referring to? 16 A. Yes. 17 Q. And page 544? 18 A. It was same area, but closer to the gulf. 19 Q. Okay. If you could look at 545 through 20 550 just very briefly and tell me if these also are 21 in the immediate vicinity of your home? 22 A. Well, 547, this is a part of my house 23 here. That is part of my wrought iron fence -- 24 Q. Okay. 25 A. -- up there in that corner, I believe.</p>	<p>1 don't we do it this way? In looking at the rest of 2 the pictures, from page 549 to 573, will you tell me 3 if there are any pictures that are not of the 4 immediate vicinity of your property? 5 A. Okay. I think they were all in that 6 vicinity. 7 Q. Okay. None of them looked like they were 8 taken at a place that wasn't your home? 9 A. No. It looked like either my house or my 10 neighbors' areas. 11 Q. Okay. You can set that to the side. Do 12 you know of any of your neighbors' home that 13 remained standing after hurricane Katrina? 14 A. They didn't have any standing. 15 Q. No standing? 16 A. None of my neighbors. 17 Q. When did you file your insurance claim 18 with Nationwide? 19 A. I don't remember the date, but I think it 20 was like one or two days afterward. As soon as my 21 neighbor and friend called and told me that I had no 22 house, everything was gone, I called Nationwide as 23 soon as I hung up. 24 Q. Could it have been September 2nd? 25 A. It could have been.</p>
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<p>1 And this was -- I think that was a chimney that 2 angled. The top of the chimney in one of the town 3 homes in fronts of me. So this was looking south 4 toward the gulf. 5 Q. What about 548? 6 A. 548. 7 Q. Again, that shows the -- the wrought iron 8 fence. 9 A. This was looking west, yeah. This is the 10 house that was behind me. Do you see this area 11 right here? 12 Q. To the sort of bottom right about 13 two-thirds of the way down -- 14 A. Yeah. 15 Q. -- the picture on the right side? Yes. 16 A. That was a huge tree was in there. And 17 he had built a patio around that tree and had the 18 wall there, and that divided our homes. 19 MR. EMBRY: Ms. Politz, I think she 20 really just asked you to go through and identify 21 them if you could -- 22 THE WITNESS: Okay. 23 MR. EMBRY: -- as being in your area. 24 THE WITNESS: Okay. 25 Q. (By Ms. Locke) In looking at them, why</p>	<p>1 Q. And you said you were still in Birmingham 2 at the time? 3 A. Right. 4 Q. So you called and filed it over the 5 phone? 6 A. Yes, I did. 7 Q. How did you know who to call? 8 A. I had my Nationwide policy with me. 9 Q. Do you know who you spoke with when you 10 filed the claim? 11 A. I probably got it on a note somewhere. I 12 think they put me with Brian somebody that's no 13 longer with them. 14 Q. I'm sorry. Let me -- I think you're 15 probably referring to Brian Phillips, who was a 16 Nationwide adjustor. 17 A. Right. Right. 18 Q. When you first phoned in to tell 19 Nationwide that you had lost your home, do you 20 recall who you spoke with at that time? 21 A. No. 22 Q. Do you recall any of that conversation 23 about what you said? 24 A. I just told -- I remember telling them 25 that I had not seen my home, that a neighbor had</p>

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35 (Pages 134 to 137)

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<p>1 called and told me I had no home anymore, so I 2 wanted to file a claim. 3 Q. What did the Nationwide person tell you 4 in response? 5 A. They said, "Fine." They gave me a number 6 and said they would look into it. And I asked them 7 to send me a check because I knew I had living 8 expense money. And I don't know -- I think they put 9 me with an adjustor, and then I think he's the one, 10 Mr. Phillips. I think he's the one approved the 11 first check that came to me for \$3,000 for living 12 expenses. 13 Q. Okay. We're going to go through 14 step-by-step of all of the payments -- 15 A. Okay. 16 Q. -- and the checks that were issued. But 17 on the first phone call that you made to Nationwide, 18 do you remember anything else about the conversation 19 aside from you telling them that your home was 20 destroyed and them getting you -- providing you a 21 number you said; is that correct what you said? 22 A. Yes. 23 Q. Do you remember what was the number for? 24 A. For when we communicated, it was like a 25 file number or something like that basically.</p>	<p>1 A. Not really. 2 Q. Do you recall making a phone call on or 3 around September 8th, or let me rephrase that. Do 4 you recall receiving a phone call from Nationwide on 5 or around September 8th, and at that point, you had 6 informed them that you had found a place to stay? 7 Do you recall that? 8 A. I don't know if it was the 8th or not. 9 But we had talked -- we had talked to someone 10 because we was in a little small house with my son 11 and them. And they didn't -- they had room for us 12 for a weekend, but not as, you know, we couldn't 13 stay there forever. We didn't know what we were 14 going to do so we started looking for a place. 15 Q. So you looked for a place in Birmingham? 16 A. Yeah. 17 Q. While you evacuated, you were staying 18 with your son; is that correct? 19 A. Only for ten days, two weeks, something 20 like that. Then we rented a house. 21 Q. Okay. And it was at that time, 22 approximately September 8th, that you had requested 23 an advance payment for living expenses; is that 24 right? 25 A. Yeah.</p>
Page 135	Page 137
<p>1 Q. Do you recall anything else about that 2 conversation? 3 A. Not -- not really. Just I was reporting 4 it and they were taking the -- the information down. 5 Q. Do you recall calling Nationwide again 6 the following day on September 3rd asking about tree 7 removal? 8 A. I don't remember. It could have 9 happened. 10 Q. Okay. Do you recall calling a second 11 time on the same day to advise Nationwide that you 12 were -- you could be reached at your son's cellphone 13 number? Do you recall making that phone call? 14 A. Yeah, because I was having so much 15 trouble with my cellphone that I couldn't -- I 16 couldn't get the coast. I couldn't get people here 17 that much. 18 Q. Do you remember anything else aside from 19 giving them your cellphone number? 20 A. I just wanted to give them the 21 information as to where I was so that they could get 22 in touch with me. And I gave them the phone number 23 of my son and the address. 24 Q. Do you recall anything else about that 25 conversation?</p>	<p>1 (Exhibit 12 - 9/8/2005 Check marked for 2 identification.) 3 Q. I'm going to hand you what's been marked 4 as Defense Exhibit 12. This is a check that's dated 5 September 8th, 2005. Do you see that? 6 A. Yeah, okay. 7 Q. And the check -- is that correct? 8 A. It could -- I mean, I'm sure it was. 9 Q. Okay. 10 A. I have no reason to doubt it. 11 Q. And the check -- 12 A. But I don't know the exact dates. I 13 don't remember. 14 Q. The check was made for \$3,000. Do you 15 recall receiving a check for \$3,000 around this 16 time? 17 A. I received two. One at this time and one 18 a little later. 19 Q. Okay. But you do recall receiving the 20 first check was \$3,000? 21 A. Yes, I remember that. 22 Q. Nationwide also attempted to reach you at 23 least four times between September the 17th and 24 September the 18th. Do you recall Nationwide 25 leaving voicemails on your son's cellphone around</p>

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<p>1 that time?</p> <p>2 A. I don't remember. I remember different</p> <p>3 people calling, and Nationwide could have been one</p> <p>4 of them. If I got the call, I think I did -- they</p> <p>5 did call, and I think that I returned some calls.</p> <p>6 Q. Okay.</p> <p>7 A. But I don't remember what it was about at</p> <p>8 that time.</p> <p>9 Q. But you don't dispute that Nationwide was</p> <p>10 attempting to get in contact with you and trying to</p> <p>11 stay in contact with you in the aftermath?</p> <p>12 A. I don't dispute that.</p> <p>13 Q. Do you recall making a phone call to</p> <p>14 Nationwide on or around the middle of September,</p> <p>15 approximately September 21st, explaining that you</p> <p>16 had wanted an adjustment on your property as soon as</p> <p>17 possible?</p> <p>18 A. Yeah, I remember wanting an adjustment on</p> <p>19 it because I didn't know if I was going to get paid</p> <p>20 or what.</p> <p>21 Q. Right.</p> <p>22 A. I mean, I thought they'd be right out to</p> <p>23 take care of it and it was starting to be almost a</p> <p>24 month away.</p> <p>25 Q. Do you recall receiving -- Nationwide</p>	<p>1 that two-by-four, and he found it.</p> <p>2 Q. But you recall requesting that Nationwide</p> <p>3 adjust your claim as soon as possible about a week</p> <p>4 earlier than that, right?</p> <p>5 A. Probably.</p> <p>6 Q. So --</p> <p>7 A. Yeah. I needed to know what direction I</p> <p>8 was going in.</p> <p>9 Q. So Mr. Phillips called you and you</p> <p>10 directed him to your property; is that right?</p> <p>11 A. Right.</p> <p>12 Q. How long of a conversation did you have</p> <p>13 with Mr. Phillips?</p> <p>14 A. I don't remember. I don't know if it was</p> <p>15 five minutes or 15 minutes. I just don't remember.</p> <p>16 Q. Was it a half-an-hour?</p> <p>17 MR. EMBRY: She says she doesn't</p> <p>18 remember.</p> <p>19 A. I don't remember.</p> <p>20 Q. Can you give me a range?</p> <p>21 MR. EMBRY: She did.</p> <p>22 MS. LOCKE: No, she didn't.</p> <p>23 A. Between one and 30 minutes.</p> <p>24 Q. (By Ms. Locke) Okay. So no more than a</p> <p>25 half-an-hour?</p>
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<p>1 returning your call the same day?</p> <p>2 A. They returned it, but they never let me</p> <p>3 know when they was going to do it.</p> <p>4 Q. Did you know that on approximately</p> <p>5 September 27th or 28th, Mr. Phillips went out and</p> <p>6 inspected your property?</p> <p>7 A. Yeah.</p> <p>8 Q. Were you aware of that?</p> <p>9 A. He called me from my house, from there.</p> <p>10 I said, "Well, why didn't you let me know? I wanted</p> <p>11 to be there to meet with you." "Well, I was working</p> <p>12 the neighborhood. I didn't know exactly when I</p> <p>13 would be here." That was their excuse, something</p> <p>14 like that.</p> <p>15 Q. So it's your testimony that he called you</p> <p>16 while he was at your property; is that correct?</p> <p>17 A. He told me he was there.</p> <p>18 Q. How --</p> <p>19 A. Because I had to help him find it. He</p> <p>20 called me from his car. And he was in the area and</p> <p>21 he couldn't find it exactly. And I told him if he</p> <p>22 would go down a certain street, that they had one</p> <p>23 piece of a two-by-four left at my house. And my son</p> <p>24 spray-painted the address on it, "Winters Lane,"</p> <p>25 "116 Winters Lane." And so I told him to look for</p>	<p>1 A. No more than a half-an-hour.</p> <p>2 Q. Do you recall what you spoke about on the</p> <p>3 phone?</p> <p>4 A. The house. And he was there to adjust --</p> <p>5 adjust it. And I remember telling him that I had</p> <p>6 asked them to let me know when they was going to</p> <p>7 send an adjuster there because I'd like to be there</p> <p>8 and meet with him. And I gave you already the</p> <p>9 answers to what they -- what he said there. And</p> <p>10 when he called me, he was right there on the street.</p> <p>11 He just didn't know which house was mine. And I</p> <p>12 helped him find it over the phone.</p> <p>13 Q. Did he ask you any questions when you</p> <p>14 spoke with him?</p> <p>15 A. Yeah. He wanted to know if I had my</p> <p>16 insurance policy, and if I had flood insurance.</p> <p>17 Q. And what did you tell him?</p> <p>18 A. I told him I did not have flood</p> <p>19 insurance. I had my policy, and I didn't have flood</p> <p>20 insurance.</p> <p>21 Q. Did he ask you any other questions that</p> <p>22 you remember?</p> <p>23 A. No, nothing that I remember specifically.</p> <p>24 (Exhibit 6 - Property Loss Report by</p> <p>25 Mr. Phillips marked for identification.)</p>

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37 (Pages 142 to 145)

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<p>1 Q. Okay. I'm going to hand you what's been 2 marked as Defense Exhibit 6. This is a report that 3 was prepared by Mr. Phillips after looking at your 4 -- or in adjusting your claim and looking at your 5 property. Understanding -- have you ever seen this 6 document before?</p> <p>7 A. No, I haven't.</p> <p>8 Q. Okay. Understanding --</p> <p>9 A. Not that I remember.</p> <p>10 Q. Understanding that you have not seen this 11 document before --</p> <p>12 A. Uh-huh (affirmative response).</p> <p>13 Q. -- I want to go through and ask if some 14 of these things that he wrote in the report refresh 15 your recollection and refresh your memory about a 16 conversation that you might have had with him.</p> <p>17 A. Okay.</p> <p>18 Q. If you turn to Bates number 95.</p> <p>19 A. Okay.</p> <p>20 Q. Where it says "Building," it says, 21 "According to PH," that stands for policyholder, 22 there are no witnesses as to what happened to this 23 home." Do you remember telling Mr. Phillips that 24 there were no witnesses to the --</p> <p>25 A. As far as I knew.</p>	<p>1 MR. EMBRY: She's testified earlier she 2 wasn't there.</p> <p>3 A. I wasn't there.</p> <p>4 Q. Just so I can get a -- a clear record, 5 it's your testimony that you don't know whether your 6 home was destroyed by wind before it was destroyed 7 by water; is that correct?</p> <p>8 A. I don't know for a fact, but I believe it 9 was.</p> <p>10 Q. Okay. This -- does this paragraph 11 refresh your recollection about any other questions 12 that Mr. Phillips may have asked you?</p> <p>13 A. Well, I think he asked me about, "What 14 makes you think that?" Or something like that. And 15 I told him because of the way the bricks was laying, 16 it wasn't like the water just washed in and laid 17 them all down. They looked like somebody had threw 18 a bomb in the front door and it exploded. And I 19 found some things that was in my refrigerator, like 20 jars of pickles and relish and stuff that was 21 underneath the bricks. And I don't understand if 22 the wind hadn't got there first and tore my house 23 apart, how it got out of the refrigerator and got 24 trapped underneath the bricks. The bricks fell on 25 it after it was there, so that's what made me think</p>
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<p>1 Q. Okay. But you recall making that 2 statement?</p> <p>3 A. Yeah. I think he asked me if I knew 4 anyone had seen it.</p> <p>5 Q. Okay.</p> <p>6 A. Or was there. And I told him no, that as 7 far as I knew everyone had gone, all of my neighbors 8 was leaving and I left. And so if anyone saw it I 9 didn't know who it was.</p> <p>10 Q. It says, "Policyholder" -- if you look 11 third sentence down, "Policyholder is very adamant 12 that low pressure and high winds destroyed home 13 prior to surge wave action from hurricane." Do you 14 recall telling Mr. Phillips that your home was 15 destroyed by wind before water came?</p> <p>16 A. I don't remember telling him that because 17 I don't know that for a fact, but I remember 18 believing that because once I came here, my home 19 looked like it had been bombed. All of the bricks 20 was laying at different angles and stuff like that. 21 I may have told him that. That's how I felt about 22 it.</p> <p>23 Q. So it's your testimony you don't know for 24 a fact that your home was destroyed totally by wind?</p> <p>25 A. No.</p>	<p>1 it was wind.</p> <p>2 MS. LOCKE: We need to take a break.</p> <p>3 VIDEOGRAPHER: Off the record at 12:08. 4 End of tape three. 5 (Off the record.) 6 VIDEOGRAPHER: Beginning tape four. On 7 the record at 12:56.</p> <p>8 Q. (By Ms. Locke) When we went off the 9 record we were -- before I had my coughing fit, we 10 were discussing Defendants' Exhibit Number 6, and 11 this was a property report -- property loss report 12 prepared by Mr. Phillips.</p> <p>13 My question is for you, and we had been 14 looking at page 95 of -- of the -- Bates number 95, 15 page two of your report, where -- 16 (Off the record.)</p> <p>17 Q. Just before we left the break, we were 18 discussing Defendants' Exhibit Number 6, and we were 19 looking at page two of that report. And I was 20 asking if these comments in the report refresh your 21 recollection about a conversation you had with 22 Mr. Phillips.</p> <p>23 My question is, how did you know that or 24 how do you believe that the home was destroyed by 25 wind if you had not seen the property at the time of</p>

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38 (Pages 146 to 149)

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<p>1 this conversation?</p> <p>2 A. Because they was saying how much the wind</p> <p>3 was -- TV. See, we had TV in Birmingham. And they</p> <p>4 was showing scenes of it, and I could see the</p> <p>5 clothes all up in the trees and everything.</p> <p>6 Q. Did you -- you didn't see your property</p> <p>7 on TV though, did you?</p> <p>8 A. Yes.</p> <p>9 Q. You did see your property on TV?</p> <p>10 A. It's in the hurricane book too.</p> <p>11 Q. Really?</p> <p>12 A. Uh-huh (affirmative response).</p> <p>13 Q. Do you recall what -- how it showed up on</p> <p>14 TV?</p> <p>15 A. Yeah, how it showed up on TV. And I</p> <p>16 could see all of the clothes up in the trees and lot</p> <p>17 of trees still standing with clothes. A lot of</p> <p>18 trees down and so --</p> <p>19 Q. And so your particular property was on</p> <p>20 TV?</p> <p>21 A. Yeah. It showed at one scene, I think,</p> <p>22 that, you know, it wasn't a close-up. It was an</p> <p>23 area when they were flying over. And I said, "Oh,</p> <p>24 they are going over Long Beach now. Let's watch."</p> <p>25 And we were watching. And I -- I feel pretty sure I</p>	<p>1 Q. In any of these subsequent conversations,</p> <p>2 did you speak with him specifically about the damage</p> <p>3 to your home and what it looked like when you</p> <p>4 returned to the home?</p> <p>5 A. Nothing more than what I've said already.</p> <p>6 Q. What I'm trying to get at is I don't</p> <p>7 understand how you could have known -- or let me</p> <p>8 rephrase. I don't understand how -- why he would</p> <p>9 have said, "When the policyholders returned they</p> <p>10 found the house completely gone," if your</p> <p>11 conversation with him was before you returned.</p> <p>12 A. Well, then evidently, that was after I</p> <p>13 had been there. I talked to him two, three times,</p> <p>14 maybe four possibly, before he disappeared. I</p> <p>15 didn't know what happened to him. They just said,</p> <p>16 "He's no longer with the company."</p> <p>17 Q. So it's possible that you did have a</p> <p>18 conversation with him after?</p> <p>19 A. Well, if I told him that, I did, yeah.</p> <p>20 Q. But you don't recall any -- any</p> <p>21 conversations specifically you had with him after</p> <p>22 you returned; is that correct?</p> <p>23 A. No, I think I talked to him afterward. I</p> <p>24 think so. I think I talked to him afterward because</p> <p>25 I came two weeks afterward. And I talked to him</p>
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<p>1 saw the area, and I didn't see a house standing.</p> <p>2 Q. Uh-huh (affirmative response).</p> <p>3 A. So I assume mine was gone too.</p> <p>4 Q. The second sentence of the same box says,</p> <p>5 "When policyholders returned they found the house</p> <p>6 completely gone." You hadn't returned at the time</p> <p>7 you had first spoken with Mr. Phillips though, had</p> <p>8 you?</p> <p>9 A. No, I don't think so.</p> <p>10 Q. Is it possible that this report reflects</p> <p>11 more than one conversation?</p> <p>12 A. No. I had been told by my neighbor that</p> <p>13 I had no more house. It was gone. Everything was</p> <p>14 gone. And then when I saw it on TV, I saw all of</p> <p>15 the clothes up in the trees like I'm, you know,</p> <p>16 telling you. Bedspreads and everything else up in</p> <p>17 the trees. Well, you know how it looked.</p> <p>18 Q. Did you have more than one conversation</p> <p>19 with Mr. Phillips about your property damage?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you recall any other conversation</p> <p>22 besides the first one that you had with him?</p> <p>23 A. I think I talked to him once or twice</p> <p>24 after, and then I called him. And they told me he</p> <p>25 was no longer with the company.</p>	<p>1 probably off and on for the first month.</p> <p>2 Q. Okay. When you say you talked to him off</p> <p>3 and on for the first month, can you give me an</p> <p>4 estimate of how many times you spoke with him?</p> <p>5 A. Three or four.</p> <p>6 Q. Three or four. And that would be in</p> <p>7 addition to the conversation you had with him?</p> <p>8 A. No, that's all total.</p> <p>9 Q. Total. So it's fair to say that there</p> <p>10 were no eyewitnesses that you're aware of that</p> <p>11 witnessed the damage to your property during</p> <p>12 hurricane Katrina?</p> <p>13 A. That's fair to say.</p> <p>14 Q. It's fair to say you weren't there to</p> <p>15 measure the wind speeds or the low pressure that you</p> <p>16 claim was there?</p> <p>17 A. I was not there.</p> <p>18 Q. So you didn't measure them -- the wind</p> <p>19 speed or the low pressure in the area; is that</p> <p>20 right?</p> <p>21 A. No. I just heard about it on TV.</p> <p>22 Q. Does this document make you recall</p> <p>23 anything else about the conversations that you had</p> <p>24 with Mr. Phillips about the damage to your property?</p> <p>25 A. No, not really.</p>

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<p>1 (Exhibit 7 - 10/1/2005 Nationwide 2 Document marked for identification.) 3 Q. I'm going to hand you what's been marked 4 as Defense Exhibit Number 7. You can take a moment 5 to just flip through this, and look it over. And 6 tell me if you recognize it as a document that you 7 received from Nationwide? 8 A. I think I got a copy of this or something 9 similar. 10 Q. The date on DX-7, if you look at the 11 first page, it says "Date Entered." Do you see on 12 the first page, middle of the way down? "Date 13 Entered" and the date entered is "October 1st, 14 2005." Do you see that? 15 A. Yeah. Oh, no. I'm looking at 8/29/05. 16 Q. If you look at "Date Entered" across the 17 way. 18 A. Oh, okay. I see it now. 19 Q. Do you see it says -- 20 A. "10/1/2005," yeah. 21 Q. It says, "October 1st, 2005." Do you see 22 that? 23 A. Yes. 24 Q. If you flip to the second page of Defense 25 Exhibit 7, which is Bates numbered 176.</p>	<p>1 Q. Is it your understanding that your 2 deductible was \$500? 3 A. Yes. 4 Q. Yes. So the net claim was \$500. Do you 5 see that? 6 A. Yes. 7 Q. Do you recall receiving a check for \$500 8 from Nationwide around October 1st? 9 A. Yes. 10 (Exhibit 13 - 10/1/2005 Claim Check 11 marked for identification.) 12 Q. I'm going to hand you what's been marked 13 as Defense Exhibit 13. This is a copy of a claim 14 check from Nationwide's file. Do you see on the 15 check that the check is dated October 1st, 2005? Do 16 you see that? 17 A. Yes. 18 Q. And it's listed for \$500. Do you see 19 that? 20 A. Uh-huh (affirmative response). 21 Q. And this is consistent with your memory 22 of receiving a check for \$500; is that right? 23 A. Yes. 24 Q. Do you recall after receiving this check 25 for \$500 speaking with Mr. Phillips sometime shortly</p>
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<p>1 A. Okay. 2 Q. There are two items that are listed in 3 the middle of the page, "Live Tree Debris Removal 4 and Refrigerator Property." Do you see that? 5 A. I do. 6 Q. And each of those is listed, if you 7 follow the way the column all the way across, under 8 "ACV," I'll represent to you that means actual cash 9 value. And under each of those is listed \$500. Do 10 you see that? 11 A. Right. 12 Q. And the total on the report is a thousand 13 dollars for live tree debris removal and 14 refrigerator property. Do you see that? 15 A. Yes. 16 Q. If you turn to the third page. The third 17 page provides the line item total of a thousand 18 dollars, which we just looked at on the previous 19 page. Do you see that? 20 A. Yeah. 21 Q. On the very top of the page. 22 A. Yeah. 23 Q. And then it subtracts out your deductible 24 of \$500. Do you see that? 25 A. Uh-huh (affirmative response).</p>	<p>1 after you received this check? 2 A. I think I -- I talked to him once or 3 maybe more than once. I'm not sure. 4 Q. Okay. 5 A. But I think I did. 6 Q. But for the conversation that took place 7 on October 6th, around October 6th, you don't recall 8 the specifics of that conversation, do you? 9 A. What are you -- what are you meaning 10 "specifics"? 11 Q. Do you remember a call that took place 12 between you and Mr. Phillips on October 6th? 13 A. I think I called him to see if that's all 14 that they were going to pay me for my claim. 15 Q. Do you recall what he -- do you recall 16 what your question was precisely? 17 A. I think I said, "Is this \$500 check all 18 I'm going to be getting?" 19 Q. Do you recall what he said in response? 20 A. And he said, "It was all being 21 evaluated." 22 Q. Did he say anything else? 23 A. Not that I remember. 24 Q. Did he -- 25 A. He said, "That was for your refrigerated</p>

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40 (Pages 154 to 157)

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<p>1 items and freezers." It's a loss that was to the 2 policy, an amendment to the policy. 3 Q. Do you recall anything else about that 4 conversation? 5 A. Not really. 6 (Exhibit 17 - Reservation of Rights 7 Letter marked for identification.) 8 Q. I'm going to hand you what's been marked 9 as Defense Exhibit 17. This is a copy of what's 10 called a reservation of rights letter. Looking at 11 both pages of the exhibit, do you recall receiving a 12 reservation of rights letter from Nationwide on or 13 around October 1st, 2005? 14 A. I could have. I don't remember right 15 away, but I could have. 16 Q. So you don't dispute that you did receive 17 that? 18 A. I'm not saying yes or no because I don't 19 really remember. 20 Q. If Nationwide claims that they sent this 21 reservation of rights letter, do you dispute that 22 they did send it? 23 A. No, I don't dispute it. If they claim 24 they sent it, they probably did. 25 Q. Do you recall in early November of 2005</p>	<p>1 is that correct? 2 A. Right. I got two of them, this one and 3 the other one. 4 Q. So this is consistent with your memory of 5 receiving the second check of \$3,000? 6 A. Yes. Uh-huh (affirmative response). 7 Yes. 8 Q. So you understand that Mr. Phillips had 9 already inspected your property at this time when 10 you received the second \$3,000 check? 11 A. Probably. I would think so. 12 Q. So that's consistent with your 13 understanding of the timeline? 14 A. Yes. 15 Q. Do you understand that Nationwide had a 16 question as to the causation of damage to your home 17 as of November 9th, 2005? 18 A. Is that when he sent the second check? 19 Q. Yes. 20 A. At that time I still thought I was going 21 to be paid for my loss. 22 Q. My question was do you understand that 23 Nationwide had a question about coverage because 24 Nationwide was investigating the cause of -- the 25 cause of damage to your home as of November 9th,</p>
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<p>1 placing a call to Nationwide and speaking with 2 someone there about additional living expenses? 3 A. Yeah. 4 Q. You do recall that? 5 A. I do. 6 Q. Describe for me what that conversation 7 was like. 8 A. I told them I needed -- I had run out of 9 money and I had rented a house and I needed money to 10 buy groceries and clothes. And so I asked them to 11 please send me another check for living expenses. 12 And I don't remember who I talked to, but they said, 13 "Yes, we can send you another 3,000." 14 Q. Okay. 15 A. So they sent me another \$3,000 check. 16 (Exhibit 14 - 11/9/2005 Check marked for 17 identification.) 18 Q. I'm going to hand you what's been marked 19 as Defense Exhibit 14. 20 A. Okay. 21 Q. If you turn to page two of Defense 22 Exhibit 14, do you see the check is dated 23 November 9th, 2005? Do you see that? 24 A. Yes. 25 Q. And that the check is listed for \$3,000;</p>	<p>1 2005? 2 A. I really don't remember. 3 Q. Nationwide had denied your claim as of 4 November 2005; is that correct? 5 A. I don't remember when. They denied it, 6 but I don't remember when exactly. I don't have the 7 letter. I haven't seen it in probably two or three 8 years. 9 Q. You understand that ultimately Nationwide 10 concluded that part of your -- part of your claim 11 would not be paid because it concluded that your 12 home was damaged by flood, correct? 13 A. Right. They sent me a letter of denial. 14 Q. But before that time, they paid you 15 \$6,000 in alternative living expenses, correct? 16 A. Correct. 17 Q. So Nationwide was still conducting an 18 investigation while it was paying you, while it paid 19 you \$6,000 in alternative living expenses; is that 20 right? 21 A. Yes. 22 Q. So you understand that Nationwide paid 23 you \$6,000 in alternative living expenses although 24 it suspected, and ultimately concluded, that your 25 home was destroyed by flooding?</p>

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<p>1 A. I understand that that's the conclusion 2 they came to. Not that I agree with them, but I 3 understand that that's their conclusion. 4 Q. And you understand that they were 5 continuing to pay you under a provision of your 6 insurance contract that they are not required to pay 7 you on if your home is destroyed solely by flood? 8 Do you understand that? 9 A. I do not understand that totally. I 10 think they paid me while they looked for an excuse 11 to keep from paying me what they owed me. That's 12 how I see it. 13 Q. Do you have anything to support your 14 opinion that Nationwide was trying to prolong paying 15 you under your claim? 16 A. Yes. 17 Q. What evidence or what -- 18 A. I don't have evidence. 19 Q. Okay. What -- 20 A. I have a suspicion. 21 Q. Okay. Do you have anything to support 22 that suspicion? 23 A. Yeah. Why didn't they take care of me 24 right away when I needed the money when I lost my 25 home? I was paying them in good faith.</p>	<p>1 identification.) 2 Q. I'm going to hand you what's been marked 3 as Defense Exhibit 11. I think this is the document 4 you're talking about. This is a loan receipt that 5 Nationwide asked you to sign. Or this the loan 6 receipt that you -- do you -- do you recognize this 7 as a loan receipt? 8 A. Yeah, that's what I was just telling you 9 about. 10 Q. Okay. I don't see that your signature is 11 on here, but do you recognize this document? 12 A. I recognize the document, yeah. 13 Q. And this loan, this loan receipt 14 basically states, and your understanding is, that 15 Nationwide would issue a loan of \$3,000 contingent 16 upon there is coverage for your -- for the loss of 17 your home; is that right? 18 A. I feel that Nationwide issued me the 19 \$3,000 check at that time because they knew I had 20 lost my home and I was insured with them, and they 21 had not come to a conclusion yet. So they made it 22 into a loan so they could get it back if they needed 23 to. 24 Q. So your understanding is that -- 25 A. They didn't give it to me. They loaned</p>
Page 159	Page 161
<p>1 Q. We just looked at Defense Exhibit 11. 2 A. Uh-huh (affirmative response). 3 Q. Which Nationwide paid you \$3,000 in 4 November of 2005, early November 2005, correct? 5 A. Right. 6 Q. And before that time, before Nationwide 7 ever even inspected your property, Nationwide paid 8 you \$3,000 on the basis of your statement that your 9 home was destroyed; isn't that correct? 10 A. Right. 11 Q. And you hadn't even inspected your 12 property at that time; is that correct? 13 A. The first check I think so. 14 Q. So based on your word alone -- 15 A. Uh-huh (affirmative response). 16 Q. -- without you inspecting the property, 17 without Nationwide inspecting the property, they 18 issued a check for \$3,000 to cover expenses that 19 they ultimately concluded they were not obligated to 20 pay under the policy? Do you understand that? 21 A. Yeah. And at the same time, I remember 22 getting a note that if for some reason they decided 23 they had paid wrongly, they could request it back. 24 So they covered themselves. 25 (Exhibit 11 - Loan Receipt marked for</p>	<p>1 it to me. 2 Q. Your understanding was that it was a loan 3 that Nationwide would provide you -- so it was your 4 understanding that Nationwide was loaning you this 5 \$3,000 contingent on its investigation; is that 6 right? 7 A. Yes. 8 Q. Nationwide ultimately concluded that 9 flooding was the cause of damage to your home, 10 correct? 11 A. That's their conclusion. 12 Q. It's their conclusion. Nationwide has 13 never asked for you to return that \$3,000, have 14 they? 15 A. Not yet. 16 Q. And, in fact, Nationwide hasn't requested 17 that you repay any of the \$6,000 that you've 18 received under your policy, have they? 19 A. Not yet. 20 Q. Are you aware that Nationwide hired an 21 independent engineer to conduct an inspection of 22 your property? 23 A. Yes. That was one of the things 24 Mr. Brian and I talked. 25 Q. It was. So that refreshes your memory</p>

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42 (Pages 162 to 165)

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<p>1 about --</p> <p>2 A. Yes, I remember it now.</p> <p>3 Q. Tell me what you recall about that</p> <p>4 conversation.</p> <p>5 A. That's about all I recall. They hired</p> <p>6 their own man out of Baton Rouge, I think, if I</p> <p>7 remember correctly, to come and inspect it.</p> <p>8 Q. Did you ever meet or speak with</p> <p>9 Nationwide's independent engineer?</p> <p>10 A. Nope.</p> <p>11 Q. Do you know that the Denham Law Firm also</p> <p>12 hired an engineer to inspect your property?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know who -- who it was?</p> <p>15 A. I don't know right off who it was. I</p> <p>16 have -- I have it on a list where they sent me a</p> <p>17 letter, but I don't have it in front of me. I don't</p> <p>18 remember the name.</p> <p>19 Q. If I told you his name was Mr. Biddy,</p> <p>20 Mr. Ted Biddy, does that --</p> <p>21 A. Yeah, that refreshes my memory. I</p> <p>22 remember that name.</p> <p>23 Q. Have you ever spoken with Mr. Biddy?</p> <p>24 A. No, I haven't.</p> <p>25 Q. He never called to interview you?</p>	<p>1 It's fair to say you've never spoken with</p> <p>2 an engineer, whether it be one that was employed by</p> <p>3 Nationwide or employed by the Denham Law Firm, about</p> <p>4 the damage to your property?</p> <p>5 A. I have not spoken to an engineer.</p> <p>6 (Exhibit 18 - 1/10/2006 Letter marked for</p> <p>7 identification.)</p> <p>8 Q. Let me hand you what's been marked as</p> <p>9 Defense Exhibit 18.</p> <p>10 A. That I can remember.</p> <p>11 Q. Do you recognize this letter?</p> <p>12 A. Yeah. That's when they denied my claim</p> <p>13 basically.</p> <p>14 Q. Did you receive this letter?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And it's consistent with your</p> <p>17 memory that you received it around or approximately</p> <p>18 around January 10th, 2006?</p> <p>19 A. I don't remember when I received it. I</p> <p>20 just remember seeing it before.</p> <p>21 Q. And so you understand that Nationwide</p> <p>22 partially denied your claim because of the</p> <p>23 inspection Mr. Phillips did, the inspection that his</p> <p>24 engineer did, and it concluded that flooding was the</p> <p>25 damage, the cause of damage to your property? Do</p>
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<p>1 A. No, he didn't.</p> <p>2 Q. Do you know if he ever went to your</p> <p>3 property to inspect it?</p> <p>4 A. I'm assuming he did.</p> <p>5 Q. Did he ever call you to seek permission</p> <p>6 to inspect it?</p> <p>7 A. No. I don't remember. Wait a minute.</p> <p>8 He might have called. It seems like somebody might</p> <p>9 have called me and told me someone was going to be</p> <p>10 inspecting it. Maybe it was him. I don't remember</p> <p>11 for sure. It's a possibility, but I don't remember.</p> <p>12 Q. Do you recall approximately when that</p> <p>13 call might have been made? Was it fairly recently?</p> <p>14 A. It was within the past year --</p> <p>15 Q. Yeah.</p> <p>16 A. -- I would say.</p> <p>17 Q. Nationwide requested to reinspect your</p> <p>18 property and have its engineer, independent engineer</p> <p>19 go out and reinspect your property. Could that have</p> <p>20 been the phone call you're thinking of?</p> <p>21 A. It might have been. It might have been.</p> <p>22 Q. So it's fair to say you've never spoken</p> <p>23 with an engineer about the damage to your -- I</p> <p>24 apologize. I didn't mean to kick you under the</p> <p>25 table. Let me start over.</p>	<p>1 you understand that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. If you turn to page two of the</p> <p>4 letter. If you look at the first full paragraph</p> <p>5 after number three, do you see where I'm pointing?</p> <p>6 It begins with "If."</p> <p>7 A. Okay.</p> <p>8 Q. Do you see that?</p> <p>9 A. Uh-huh (affirmative response).</p> <p>10 Q. The letter states on page two, Defense</p> <p>11 Exhibit 18, "If you become aware of any additional</p> <p>12 facts or damages which you believe Nationwide has</p> <p>13 not had an opportunity to review and consider,</p> <p>14 please let us know as soon as possible to allow us</p> <p>15 to review your claim." Did you read that language</p> <p>16 when you received this denial letter?</p> <p>17 A. I guess I did. I don't remember that</p> <p>18 specific paragraph, but I remember the letter so I</p> <p>19 must have read it.</p> <p>20 Q. Did you provide Nationwide with any</p> <p>21 additional facts or information to consider in</p> <p>22 adjusting your claim?</p> <p>23 A. No. I had told them everything I knew</p> <p>24 already.</p> <p>25 Q. And is your testimony earlier that you</p>

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<p>1 had prepared a contents list of your home, but did 2 not provide that to Nationwide; is that correct? 3 A. I don't think I had even prepared it at 4 that time. 5 Q. But later you had prepared it? 6 A. Yeah. 7 Q. But did not provide it to Nationwide; is 8 that right? 9 A. Uh-huh (affirmative response). 10 Q. Is that a yes? 11 A. Yes. 12 Q. After you found a home in Birmingham, 13 Alabama to live in, you lived there for 14 approximately five months; is that correct? 15 A. Correct. 16 Q. And the rental cost was \$750 a month; is 17 that right? 18 A. Correct. 19 Q. So 750 times five months, is it fair to 20 say that you paid approximately \$3,700 in rent for 21 the five months you lived in that home? 22 A. It sounds pretty close. 23 Q. How soon after hurricane Katrina did you 24 move into this home in Birmingham, Alabama? 25 A. In a couple of weeks.</p>	<p>1 A. Yes. 2 Q. And under the second description it says 3 "Tree Removal and Disposal." Do you see that? 4 A. Yes. 5 Q. Do you receive -- do you remember 6 receiving this document in the mail from Nationwide? 7 A. Yes, I remember looking at it. 8 Q. If you turn to the -- to the third page, 9 fourth page, which is Bates numbered 196, there's a 10 line total is \$500. Do you see that? 11 A. Yeah. 12 Q. Do you recall receiving a second check 13 from Nationwide for \$500 for -- 14 A. I do. It was while I was in the FEMA 15 trailer. So it was sometime between six months and 16 a year afterward. 17 (Exhibit 15 - 5/2/2006 Check marked for 18 identification.) 19 Q. Okay. I'm going to hand you what's been 20 marked as Defense Exhibit 15. If you turn to the 21 second page. This is another check which is dated 22 May 2nd, 2006 for \$500. Do you see that? 23 A. Yeah. That's about right. 24 Q. So this would be consistent with your 25 memory of receiving a second \$500 check from</p>
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<p>1 Q. About two weeks or so? 2 A. Similar, yes. It could have been two. 3 It could have been four. Somewhere in that area. 4 Q. After you moved out of the home in 5 Birmingham, Alabama, you moved into a FEMA trailer; 6 is that right? 7 A. Correct. 8 Q. Do you recall when you moved into the 9 FEMA trailer? 10 A. Uh-huh (affirmative response). It was in 11 I think January, maybe the end of January. It was 12 cold. 13 Q. January of '06? 14 A. Yes. 15 (Exhibit 8 - Itemized List marked for 16 identification.) 17 Q. I'm going to hand you what's been marked 18 as Defense Exhibit 8. If you turn to the second 19 page -- oh, I'm sorry, the third page, which is 20 Bates number 195 of Defense Exhibit 8. You see 21 there's a couple of things that are itemized 22 underneath the description. The first is "Food 23 Spoilage." Do you see that? 24 A. Yes. 25 Q. And it lists \$500. Do you see that?</p>	<p>1 Nationwide? 2 A. Yeah. Like I said, it was between the 3 six months and a year period. So it's five months 4 is pretty close. 5 Q. Set that aside. Hopefully not too many 6 more of these. 7 A. Huh? 8 Q. Hopefully not too many more of these. 9 A. Okay. 10 (Exhibit 20 - 4/18/2007 Letter marked for 11 identification.) 12 Q. This is Defense Exhibit 20. It's a 13 letter dated April 18, 2007 sent from Nationwide to 14 the Denham Law Firm. Do you ever remember receiving 15 a copy of this letter from Nationwide? 16 A. They've sent me a lot of letters that 17 Nationwide has -- has sent to them. They sent me 18 copies of it. And I'm not sure if this was one of 19 them or not. 20 Q. So you don't recall if the Denham Law 21 Firm forwarded this to you? 22 A. I can't remember. 23 Q. The third paragraph down, Nationwide 24 invited -- invited you to provide any additional 25 information. And -- I'm sorry, strike that.</p>

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<p>1 Do you -- so you cannot say with certainty</p> <p>2 that Nationwide did not send this letter; is that</p> <p>3 right?</p> <p>4 A. I received this letter, but I don't</p> <p>5 remember if it come from Nationwide or if it came to</p> <p>6 me from the Denham Law Firm.</p> <p>7 Q. Okay. So you do recall seeing this?</p> <p>8 A. I remember seeing this letter, yes.</p> <p>9 (Exhibit 10 - 7/17/2007 Nationwide Report</p> <p>10 marked for identification.)</p> <p>11 Q. Let me hand you what's been marked as</p> <p>12 Defense Exhibit 10. That is a report Nationwide</p> <p>13 prepared to see -- again, where it says "Date</p> <p>14 Entered" in the middle of the page, it says,</p> <p>15 "July 17th, 2007." Do you see that?</p> <p>16 A. In the middle of the page?</p> <p>17 Q. In the middle of the page where it says</p> <p>18 "Date Entered."</p> <p>19 A. Yeah. "July 17th, '07." Yes.</p> <p>20 Q. If you flip through this, do you recall</p> <p>21 receiving this document from Nationwide?</p> <p>22 A. I think so.</p> <p>23 Q. If you turn to the Bates number</p> <p>24 Politz 139. After rereviewing your property --</p> <p>25 A. Yeah, I remember getting this letter.</p>	<p>1 A. I think it was, but I think they sent it</p> <p>2 to the Denham Law Firm.</p> <p>3 Q. The reason for that being once you retain</p> <p>4 an attorney, Nationwide cannot speak with you</p> <p>5 directly without your counsel present.</p> <p>6 A. Right.</p> <p>7 Q. So that's why they would send it -- send</p> <p>8 it to the Denham Law Firm. Did you ever cash this</p> <p>9 check?</p> <p>10 A. No, I didn't.</p> <p>11 Q. Why not?</p> <p>12 A. Because I felt that they -- that was all</p> <p>13 they planned on paying me. I didn't trust them</p> <p>14 anymore at that point at all. And I was not willing</p> <p>15 to accept 30,000 for my home.</p> <p>16 Q. Understanding that you've already</p> <p>17 testified that you agree that Nationwide is not</p> <p>18 responsible to pay for damage caused by flooding to</p> <p>19 your home, correct?</p> <p>20 A. Right.</p> <p>21 Q. How much -- what number is it that you</p> <p>22 believe Nationwide is responsible for paying? What</p> <p>23 number is it that you think was caused by wind</p> <p>24 damage? Do you have a dollar number?</p> <p>25 A. I don't have it. I'm not an expert in</p>
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<p>1 Q. After rereviewing your property,</p> <p>2 Nationwide concluded at the very bottom that it</p> <p>3 would issue an additional payment of \$30,339.57. Do</p> <p>4 you see that line?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember receiving this letter?</p> <p>7 A. I do.</p> <p>8 Q. Is it consistent with your memory of</p> <p>9 Nationwide issuing you an additional check of</p> <p>10 \$30,339.57?</p> <p>11 A. They issued it to the attorney.</p> <p>12 Q. To the Denham Law Firm; is that correct?</p> <p>13 A. Yeah.</p> <p>14 (Exhibit 16 - 7/19/2007 Check marked for</p> <p>15 identification.)</p> <p>16 Q. Let me hand you what's been marked as</p> <p>17 Defense Exhibit 16. Will you turn to page two,</p> <p>18 which is Bates marked 18. The date on the check is</p> <p>19 July 19th, 2007, and the check is issued in the</p> <p>20 amount of \$30,339.57. Do you see that?</p> <p>21 A. Uh-huh (affirmative response).</p> <p>22 Q. Do you recall receiving this check?</p> <p>23 A. No. They sent it to the Denham Law Firm.</p> <p>24 Q. It was paid to the order of you and</p> <p>25 Mr. Politz, correct?</p>	<p>1 any of that. I do feel that, for instance,</p> <p>2 New Orleans flooded. They had homes flooded</p> <p>3 everywhere and the homes was still there. Ours</p> <p>4 flooded and our homes was no longer there. And I</p> <p>5 think the wind did more damage than the water.</p> <p>6 That's how I feel. And so I was not willing to</p> <p>7 accept 30,000. Maybe if they had took 30,000 off</p> <p>8 the total amount for the water damage then I could</p> <p>9 have considered it. I could have thought maybe.</p> <p>10 But when they only offered me 30,000 for it, I said,</p> <p>11 "I'd rather see them in court than accept it." I</p> <p>12 didn't feel like it was a fair offer at all.</p> <p>13 Q. What dollar amount?</p> <p>14 A. I don't have a dollar amount.</p> <p>15 Q. After you moved from Alabama to the FEMA</p> <p>16 trailer, that was approximately January -- late</p> <p>17 January 2006; is that correct?</p> <p>18 A. I think so.</p> <p>19 Q. How long did you live in the FEMA</p> <p>20 trailer?</p> <p>21 A. Six months.</p> <p>22 Q. That would have been July, early July; is</p> <p>23 that correct?</p> <p>24 A. Yeah, because we bought our house and</p> <p>25 moved in it around the middle of July.</p>

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<p>1 Q. Where did you purchase the home?</p> <p>2 A. In Gulfport.</p> <p>3 Q. Is that where you currently live?</p> <p>4 A. I still have my house there. I've got it</p> <p>5 up for sale. I got a job in Louisiana and I'm --</p> <p>6 I'm still coming here and living on weekends, but</p> <p>7 during the week I'm staying over there so I can be</p> <p>8 close to my job.</p> <p>9 Q. The home address that you gave in the</p> <p>10 beginning of this deposition, is that the address of</p> <p>11 the home in Gulfport?</p> <p>12 A. No, that's where I'm living at right now</p> <p>13 most of the time, all week when I'm working.</p> <p>14 Q. What is your address? What's the home</p> <p>15 address of the home in Gulfport?</p> <p>16 A. 13446 Huntington Circle in Gulfport,</p> <p>17 Mississippi 70458. Wait, I'm sorry. That's the</p> <p>18 Slidell. 39505, I believe is the one in Gulfport.</p> <p>19 I'm getting all of these mixed up.</p> <p>20 Q. So you purchased that home in July of</p> <p>21 '06; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. And then -- and you still own that home</p> <p>24 today?</p> <p>25 A. Yeah, I'm trying to sell it.</p>	<p>1 Q. And this would be particularly true where</p> <p>2 there's a shortage of labor; do you agree with that?</p> <p>3 A. Yes.</p> <p>4 Q. And it would be true if there was a</p> <p>5 shortage of building supplies, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And so it would certainly take longer to</p> <p>8 rebuild your home than the six weeks it took for you</p> <p>9 to get into a FEMA trailer; is that right?</p> <p>10 A. Oh, it took me longer than that to get</p> <p>11 the FEMA trailer.</p> <p>12 Q. What --</p> <p>13 A. I lived in that house I rented for five</p> <p>14 months.</p> <p>15 Q. I'm sorry. Let me take a step back.</p> <p>16 A. Okay.</p> <p>17 Q. When you -- the hurricane was late</p> <p>18 August 2005, and you moved into the FEMA trailer in</p> <p>19 late January 2006?</p> <p>20 A. Yes.</p> <p>21 Q. So it was approximately six months later;</p> <p>22 is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Would you agree that it would take longer</p> <p>25 than -- but you applied for the FEMA trailer six</p>
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<p>1 Q. Can you tell me when you applied for a</p> <p>2 FEMA trailer?</p> <p>3 A. Probably about six weeks after the storm.</p> <p>4 Maybe a little sooner. As soon as I heard about it,</p> <p>5 that they were offering it.</p> <p>6 Q. So it's fair to say that it was probably</p> <p>7 in early to mid October?</p> <p>8 A. Yeah.</p> <p>9 Q. And how much did you pay per month to</p> <p>10 live in the FEMA trailer?</p> <p>11 A. I paid I think it was \$200 a month to</p> <p>12 park it in someone's yard, I think. I'd have to</p> <p>13 look at my bank statements and all to know for sure.</p> <p>14 Q. So it's fair to say that many of your</p> <p>15 neighbors completely lost their homes on the coast</p> <p>16 in the Mississippi area?</p> <p>17 A. Yeah.</p> <p>18 Q. Do you agree that it has taken a long</p> <p>19 time to reconstruct homes on the coast after the</p> <p>20 hurricane?</p> <p>21 A. I agree.</p> <p>22 Q. And you agree that to rebuild a home from</p> <p>23 the slab up, from the ground up, would take a</p> <p>24 significant amount of time?</p> <p>25 A. I agree.</p>	<p>1 months -- I'm sorry. Start over.</p> <p>2 You applied for the FEMA trailer</p> <p>3 approximately six weeks out, early October; is that</p> <p>4 right?</p> <p>5 A. Yeah, probably.</p> <p>6 Q. You agree that at that time you applied</p> <p>7 for the FEMA trailer, there would have been no</p> <p>8 possible way to rebuild your home from the ground</p> <p>9 up; is that right?</p> <p>10 A. Well, yeah, I agree.</p> <p>11 Q. And do you agree with me that even when</p> <p>12 you moved into the FEMA trailer in January of '06,</p> <p>13 six months later, that still would have been</p> <p>14 incredibly difficult time period in which to rebuild</p> <p>15 your home?</p> <p>16 A. We couldn't. There was no utilities.</p> <p>17 Q. Okay. So you agree with me that even if</p> <p>18 Nationwide paid all of your claim that you requested</p> <p>19 on the day after the storm --</p> <p>20 A. Uh-huh (affirmative response).</p> <p>21 Q. -- that you still would have been forced</p> <p>22 to live elsewhere during that period of time; is</p> <p>23 that correct?</p> <p>24 A. Oh, yeah. I couldn't have got back in my</p> <p>25 house.</p>

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<p>1 Q. There were no utilities?</p> <p>2 A. Right.</p> <p>3 Q. No water; is that right?</p> <p>4 A. Right.</p> <p>5 Q. No electricity available; is that right?</p> <p>6 A. Nothing.</p> <p>7 Q. Did you receive any other assistance or</p> <p>8 funds from FEMA aside from the trailer?</p> <p>9 A. I did.</p> <p>10 Q. Do you recall what that was?</p> <p>11 A. I remember -- I remember FEMA sent me, I</p> <p>12 think, around 2,000, maybe a little bit more, to</p> <p>13 help me with the rent on the house. And then they</p> <p>14 sent me a \$10,000 check.</p> <p>15 Q. So your recollection is you received</p> <p>16 approximately \$12,000 from FEMA?</p> <p>17 A. Yeah, maybe -- maybe 12.5. I'm not sure.</p> <p>18 Somewhere in between that.</p> <p>19 Q. And you applied for an SBA loan; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. And you were awarded that loan; is that</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 (Exhibit 77 - Letter marked for</p>	<p>1 Q. And how much did they increase it by?</p> <p>2 A. To 340.</p> <p>3 Q. So in total you received \$340,000 from</p> <p>4 the SBA?</p> <p>5 A. I think that's what it was. It could be</p> <p>6 -- it could vary a little one way or the other, but</p> <p>7 I think it was around 340.</p> <p>8 Q. Okay. So working -- let's start with the</p> <p>9 \$234,000 figure that you were first granted in loan</p> <p>10 money from the SBA. Do you have any understanding</p> <p>11 of how the SBA came to that figure?</p> <p>12 A. No. They actually figured it out and</p> <p>13 sent me what they approved, a statement showing what</p> <p>14 it was approved for.</p> <p>15 Q. Did you --</p> <p>16 A. Except they asked me the value of my home</p> <p>17 and a questionnaire like that I filled out and sent</p> <p>18 to them. So I'm assuming they took it from that.</p> <p>19 Q. Do you recall on that piece of paper how</p> <p>20 much you valued -- how much you said your home was</p> <p>21 valued at at the time?</p> <p>22 A. Yes, I do.</p> <p>23 Q. What was that value?</p> <p>24 A. \$300,000.</p> <p>25 Q. How did you come to that number?</p>
Page 179	Page 181
<p>1 identification.)</p> <p>2 Q. I'm going to hand you what's been marked</p> <p>3 as Defense Exhibit 77. This is a letter addressed</p> <p>4 to you from the SBA. Do you recognize the letter?</p> <p>5 A. Yeah. That was the one I was talking</p> <p>6 about that they had paid me some money for my rent,</p> <p>7 rental house. A couple of thousand, maybe a little</p> <p>8 bit more. It looks like it was 23.4.</p> <p>9 Q. This letter states -- maybe I'm confused,</p> <p>10 but it says, "We are" -- the SBA writes, "We are</p> <p>11 pleased to inform you that your loan request has</p> <p>12 been approved in the amount of \$234,000." Do you</p> <p>13 see that?</p> <p>14 A. Oh, I'm sorry. I mislooked at it. Yeah.</p> <p>15 That's when they approved the loan for us to buy a</p> <p>16 house.</p> <p>17 Q. Okay. Is this --</p> <p>18 A. Okay. If we could find something.</p> <p>19 Q. Is this the total amount of loan you</p> <p>20 received from the SBA, \$234,000?</p> <p>21 A. At one time it was that. But then I went</p> <p>22 back and asked for them to increase this loan.</p> <p>23 Q. And did they do so?</p> <p>24 A. And they -- yes, after several months</p> <p>25 they did. We worked together on it for awhile.</p>	<p>1 A. Because I was thinking about after we had</p> <p>2 put so much money into it and everything.</p> <p>3 Everything around us was selling real good. It was</p> <p>4 a hot market then. And we decided -- we had a child</p> <p>5 at that time, one child in Mississippi. I had</p> <p>6 forgot about him. He was working at hospital in</p> <p>7 Gulfport. And we -- they just had twin babies. And</p> <p>8 we thought they were going to be here. They had</p> <p>9 only been here for around a year.</p> <p>10 Q. This is an additional child that you</p> <p>11 have?</p> <p>12 A. No, it was my husband's child.</p> <p>13 Q. So Mr. Politz had a child from a previous</p> <p>14 marriage?</p> <p>15 A. Yes, he had four children from a previous</p> <p>16 marriage. And this one moved here. He was -- he</p> <p>17 was living in Austin, Texas. And he got a job here</p> <p>18 and moved here. And we didn't even know he was</p> <p>19 looking at it until he did it and he surprised us.</p> <p>20 And it was off of Cowan Morain Road.</p> <p>21 Q. Is that in Long Beach?</p> <p>22 A. No, that's in Gulfport. And they just --</p> <p>23 they had a little boy and they just had twin girls</p> <p>24 and we was going down there constantly to see the</p> <p>25 kids and to try to help her with the new twins when</p>

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<p>1 she had them.</p> <p>2 And we thought that we might just go ahead</p> <p>3 and sell ours and see if we could get in a smaller</p> <p>4 -- not a smaller house. We had one as small as we</p> <p>5 could use, but something a little bit off the beach,</p> <p>6 more back closer to them because they lived off the</p> <p>7 beach. And we just wanted to get closer to them and</p> <p>8 something a little cheaper while the market was</p> <p>9 good. And maybe we could come out with a house paid</p> <p>10 for.</p> <p>11 Q. How -- so how did that decision to sell</p> <p>12 your house form the basis of your \$300,000 estimate</p> <p>13 of what your house was worth?</p> <p>14 A. Because the one right next to me had just</p> <p>15 sold for 425,000.</p> <p>16 Q. This was on Winters Lane?</p> <p>17 A. It was on Russell Avenue. It's the one</p> <p>18 that backed up to my house.</p> <p>19 Q. Okay. Was that also a two-bedroom,</p> <p>20 two-bathroom; do you know?</p> <p>21 A. No, it was a three-bedroom. I said,</p> <p>22 "Well, if they get 419 for a three-bedroom and</p> <p>23 two-bath, I should be able to get three in my area."</p> <p>24 We was right there together. For mine, and it had</p> <p>25 just been redone completely. And another house in</p>	<p>1 name now. It'll come to me.</p> <p>2 Q. Do you recall what company she worked</p> <p>3 for?</p> <p>4 A. I'm not sure about that either right now.</p> <p>5 I have a card at my home. I can get it for you if</p> <p>6 you need it.</p> <p>7 Q. Okay. We'll -- we'll make a request for</p> <p>8 the pictures and the realty card. But your -- she</p> <p>9 came to your home and actually measured the home; is</p> <p>10 that right?</p> <p>11 A. No, she did not.</p> <p>12 Q. Oh, she did not?</p> <p>13 A. We had an appointment to do that that</p> <p>14 Tuesday at two o'clock I believe is when it -- and</p> <p>15 she lost her home too. She was living in the Villas</p> <p>16 down there.</p> <p>17 Q. So she never actually came to your</p> <p>18 property and looked at it?</p> <p>19 A. She had been my neighbor before so she</p> <p>20 knew the property.</p> <p>21 Q. Okay.</p> <p>22 A. She had been my neighbor and that's where</p> <p>23 we met and become friends. And not real close</p> <p>24 friends. She only lived there for a year or so and</p> <p>25 then she moved. But she had given -- she took her</p>
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<p>1 the subdivision had just sold that was basically the</p> <p>2 same thing, just a couple more hundred feet a square</p> <p>3 than mine, and a couple hundred square feet more</p> <p>4 than mine.</p> <p>5 Q. And it had sold in the 400 something</p> <p>6 range?</p> <p>7 A. And it had sold for 425. So I said,</p> <p>8 "Well, mine is a two-bedroom. It's a little</p> <p>9 smaller." So I assumed 300 would be a fair price.</p> <p>10 So I told the real estate agent I would like</p> <p>11 300,000, plus her fees, whatever she charged. And</p> <p>12 she said, "Well, we'll come Tuesday and I'll measure</p> <p>13 it and make a listing."</p> <p>14 Q. Okay.</p> <p>15 A. And that was planned. The storm</p> <p>16 happened. The -- it never went through.</p> <p>17 Q. So your home --</p> <p>18 A. So that's why I estimated it at that.</p> <p>19 Q. So your home was actually listed on the</p> <p>20 market at the time of Katrina?</p> <p>21 A. It was not. It was going to happen that</p> <p>22 Tuesday. The storm happened that Monday.</p> <p>23 Q. Do you recall the name of the real estate</p> <p>24 agent?</p> <p>25 A. Yeah. Terry. I can't think of her last</p>	<p>1 real estate course while she was living there. She</p> <p>2 said, "If you ever decide you need a real estate</p> <p>3 agent, please think of me. I'm getting into that</p> <p>4 business." She gave me a card. So when I decided</p> <p>5 -- my husband and I decided to do it, I looked her</p> <p>6 card up and called her.</p> <p>7 Q. Do you know if she ever had run</p> <p>8 comparables in your neighborhood?</p> <p>9 A. Yeah, because she had sold hers. She</p> <p>10 owned one of the -- one-half of the townhomes.</p> <p>11 Q. That was in front of your house --</p> <p>12 A. Yeah.</p> <p>13 Q. -- towards the -- towards the Gulf of</p> <p>14 Mexico?</p> <p>15 A. Yeah. And that was another thing because</p> <p>16 she said -- I think she told me she got 300 for her</p> <p>17 half of the townhome. So I figured if somebody</p> <p>18 would give that for a townhome, then they'd probably</p> <p>19 give it for a complete home, even though it might</p> <p>20 have been a little different square footage or</p> <p>21 something.</p> <p>22 Q. But the \$300,000 that you estimated, that</p> <p>23 would also include the value of the land; is that</p> <p>24 right?</p> <p>25 A. Yes, that was the whole place.</p>

BROOKS COURT REPORTING

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48 (Pages 186 to 189)

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<p>1 Q. So SBA somehow came to a determination 2 that they weren't going to give you a full \$300,000. 3 They were going to give you \$234,000, correct? 4 A. Yeah. I think they -- they thought I was 5 gonna -- well, I know they thought I was going to 6 rebuild on the same property. 7 Q. How do you know that? 8 A. Well, because they -- they mentioned 9 rebuilding a few times. But then I told them -- and 10 they wanted -- they give me a few rules, guidelines 11 to go by. And I went to the town hall and asked 12 them how long they thought it would be before I 13 could get utilities there. And they said a year or 14 two. 15 Q. Is it your understanding that the SBA 16 required you to rebuild in order to receive the loan 17 money? 18 A. Yes, they did require in the beginning. 19 And that's why I figured that plus the point. Like 20 I say, I went and tried to find out and find out I 21 couldn't. My husband was highly claustrophobic. He 22 was in that FEMA trailer. And I had to get him out. 23 He was -- it was really stressful for him. 24 So I called SBA. We started looking for 25 apartments. I was going to get him out of that FEMA</p>	<p>1 think it was the 234. 2 Q. Okay. So the 234 -- 3 A. Certain requirements had to go. So much 4 for the house, so much for furniture, so much for 5 the yard. And all this and they had it all divided 6 out as how much I could spend in each area. 7 MS. LOCKE: For the record, Nationwide 8 has requested that plaintiffs' counsel sign a 9 Privacy Act release waiver to allow Nationwide 10 access to the SBA file. Plaintiffs' counsel has 11 refused to sign that and has objected to that. It's 12 now subject to motion that's pending before the 13 court. 14 I would like to reserve Nationwide's 15 right to reopen this deposition if and when we need 16 to, if and when we are able to get access to these 17 documents so we can fully understand and explore the 18 SBA loan amounts. 19 VIDEOGRAPHER: One minute. 20 MS. LOCKE: Why don't we switch tapes? 21 VIDEOGRAPHER: Off the record at 1:55. 22 End of tape four. 23 (Off the record). 24 VIDEOGRAPHER: Beginning tape five. On 25 the record at 1:55.</p>
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<p>1 trailer, one way or the other. So we started 2 looking for apartment and we couldn't find anything 3 for rent. They had waiting lists everywhere we 4 went. 5 So we looked at this house. We just ran 6 across it. We looked at it just to see if we could 7 rent it and they wouldn't rent it. So we called SBA 8 to see if they would increase our loan amount and we 9 bought it. And I didn't have intentions of staying 10 there the rest of my life when I bought it. It was 11 just a way to get him out of a bad situation, and 12 myself too for the time being. 13 Q. Is it your understanding that SBA at some 14 point went back on its requirement that you rebuild 15 on the property to take SBA funding? 16 A. Yes, they did. They did a relocation 17 loan for me. 18 Q. Okay. And was that the additional -- was 19 that the \$340,000? I'm sorry, I'm just a little 20 confused. 21 A. No, no. They did a relocation loan so 22 that we could get into a house and get out of the 23 trailer. And -- 24 Q. How much was that for? 25 A. I guess it was the 234. I'm not sure. I</p>	<p>1 Q. (By Ms. Locke) So to the best of your 2 understanding, the \$234,000 was a relocation loan; 3 is that -- 4 A. A relocation loan, yes. 5 Q. How did you spend the \$234,000 that you 6 received from the SBA? 7 A. We spent 189,000 -- no, 183,000 for the 8 house. 9 Q. When you say "for the house," what house 10 are you talking about? 11 A. For the house at Huntington Circle in 12 Gulfport that I now have up for sale. 13 Q. Okay. So you spent \$183,000 to purchase 14 a new home in Gulfport, Mississippi? 15 A. Yeah. 16 Q. What did you do with the 50 or so 17 thousand dollars that remained? 18 A. We spent most of it on buying furniture 19 and supplies for the house. Bedding. I mean, I had 20 to buy everything. I had lost everything. I didn't 21 have a tablespoon. So I had to buy everything for 22 the house, plus furniture. 23 Q. Then at some point you went back to SBA 24 and requested and received an additional 25 approximately 100,000; is that right? You said you</p>

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<p>1 received 340 in total; is that correct?</p> <p>2 A. Yeah, it was a little over a hundred I</p> <p>3 think.</p> <p>4 Q. Okay. What did you do with -- do you</p> <p>5 know when you received the additional \$100,000?</p> <p>6 A. It was after the Mississippi grants come</p> <p>7 out. I don't remember exactly when it was.</p> <p>8 Q. Give me a rough estimate.</p> <p>9 A. It was probably nine months maybe after</p> <p>10 we moved in, maybe a year. We moved in in July of</p> <p>11 '06. So sometime between July '06 and July '07 I</p> <p>12 would say.</p> <p>13 Q. Okay. Maybe approximately nine months</p> <p>14 after July '07, so sometime early --</p> <p>15 A. Yeah.</p> <p>16 Q. -- '07, somewhere around there?</p> <p>17 A. Uh-huh (affirmative response).</p> <p>18 Q. Okay. What did you do with the</p> <p>19 additional \$100,000 from the SBA loan?</p> <p>20 A. Paid off Nationwide. I mean,</p> <p>21 First Horizon. Sorry.</p> <p>22 Q. I was going to say I don't think we</p> <p>23 received a check from you, nor would we request it.</p> <p>24 A. First Horizon was -- was the mortgage</p> <p>25 company.</p>	<p>1 130. How much -- I forgot just how much. All these</p> <p>2 figures and so much has happened. I mean, I have to</p> <p>3 stop and figure it out. I could look at it on</p> <p>4 paper. Look at my books and get you the correct</p> <p>5 answers.</p> <p>6 Q. Okay. And do you have -- do you have</p> <p>7 documents that would provide this information?</p> <p>8 A. Oh, yes.</p> <p>9 Q. Okay. We'd also like if you could go and</p> <p>10 look at those. We'd like to receive a copy of</p> <p>11 those.</p> <p>12 A. You want to receive a document for how</p> <p>13 much the loan was and then how much we paid for the</p> <p>14 house and how much we paid for -- we got for the</p> <p>15 second loan and paid?</p> <p>16 Q. We're basically trying to understand the</p> <p>17 financial breakdown of the SBA loan, where it went,</p> <p>18 how much you received in total. We don't have any</p> <p>19 of that information.</p> <p>20 MR. EMBRY: Just bring whatever you've</p> <p>21 got to us, if we don't have it.</p> <p>22 A. Okay.</p> <p>23 (Exhibit 46 - First Horizon Statement</p> <p>24 marked for identification.)</p> <p>25 Q. I'm going to hand you -- this might help</p>
Page 191	Page 193
<p>1 Q. That you had a mortgage on at</p> <p>2 Winters Lane?</p> <p>3 A. Yeah. And interest rates was like around</p> <p>4 eight percent. So we paid them off. And then we</p> <p>5 started paying -- it increased our loan, you know,</p> <p>6 from the first loan to the -- they increased the --</p> <p>7 the size that we paid each month.</p> <p>8 Q. To the SBA?</p> <p>9 A. Yeah, at the SBA, but it was on a</p> <p>10 2.8 percent interest rate.</p> <p>11 Q. So it was a good rate?</p> <p>12 A. So we could handle that. We couldn't</p> <p>13 handle both loans anymore.</p> <p>14 Q. And you paid off First Horizon</p> <p>15 completely, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And that was approximately \$130,000; is</p> <p>18 that correct?</p> <p>19 A. Yeah, somewhere around that.</p> <p>20 Q. Where did you come up with the additional</p> <p>21 \$20,000 or so to pay off First Horizon? You said</p> <p>22 the additional \$100,000 you used to pay -- from SBA</p> <p>23 you used to pay First Horizon, but the balance of</p> <p>24 your mortgage was about 130.</p> <p>25 A. Well, then we must have gotten around</p>	<p>1 out a little bit. I'm going to hand you what's been</p> <p>2 marked as Defense Exhibit 46. This is a statement</p> <p>3 from First Horizon. This is a document that we</p> <p>4 received from not the FDA, but actually the MDA. Do</p> <p>5 you see on the left side of the page it says,</p> <p>6 "Current Principle Balance, \$126,944"?</p> <p>7 A. That falls into that category as well.</p> <p>8 Q. Is that consistent with your memory of</p> <p>9 approximately how much the loan was remaining --</p> <p>10 mortgage was remaining on your property at</p> <p>11 Winters Lane?</p> <p>12 A. Yeah, that's about right.</p> <p>13 Q. And it says, "Paid 4/13/06." Is that</p> <p>14 consistent with your memory of when you might have</p> <p>15 paid off that loan from the SBA funds?</p> <p>16 A. Yeah, that's my handwriting.</p> <p>17 Q. Oh, this is your handwriting?</p> <p>18 A. Yeah. That's my check number.</p> <p>19 Q. You seem to keep very good records.</p> <p>20 A. I try.</p> <p>21 Q. So this says, "Paid April 13, 2006."</p> <p>22 A. Uh-huh (affirmative response).</p> <p>23 Q. Is it possible that you received the</p> <p>24 additional SBA, the additional 100 or \$120,000 from</p> <p>25 SBA at that time?</p>

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<p>1 A. Yeah, that's what I paid. That's what I 2 used to pay that off, this off. That's my writing 3 there on the other side too. 4 Q. It says, "Sent a Tax Form From" -- 5 A. Evidently that's what they requested. 6 Q. Okay. Let me -- let me just finish my 7 question. 8 A. I'm sorry. 9 Q. No, it's okay. It says, "Sent a Tax Form 10 From Tax" -- I don't know -- "Assessor's Office." 11 A. Right. 12 Q. Do you see that? Do you recall what that 13 form was? 14 A. No. 15 Q. No. 16 A. I assume it was a request from them and I 17 went to the assessor's office and got it and sent 18 it, but I don't remember what it was. 19 (Exhibit 51 - Tax Assessor's Document 20 marked for identification.) 21 Q. I'm going to hand you what's been marked 22 as Defense Exhibit 51. Do you recall this form? It 23 says "Tax Assessor" at the top and it says "Harrison 24 County Online." 25 A. That might have been the paper they</p>	<p>1 -- Harrison County assessed. 2 A. I really couldn't say because every time 3 I thought about the land, I thought about the land 4 and the house. 5 Q. Okay. 6 A. I never value -- put a value on the land 7 itself. 8 Q. It says -- it says "Improvements" one 9 line over. It says "94,491." And then the 10 following column "Total Value" is "144,491." Do you 11 see that? 12 A. Yeah. 13 Q. That adds together the land value and the 14 improvements. Do you see that? 15 A. Yeah. 16 Q. Okay. The \$144,491, do you have any 17 reason to dispute that that was the fair market 18 value of your home in 2005? 19 A. I think my home was worth more than that. 20 I had put a lot more money into it and redid it 21 probably by the time they did this and the time the 22 storm happened. 23 Q. But this does break down the value of the 24 land versus the value of the improvements on the 25 land, correct?</p>
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<p>1 requested. It might have been the one I sent to 2 him. 3 Q. Do you recall that it was? 4 A. No. 5 Q. Okay. Let me ask you while we're on this 6 document. Let me ask you a couple of questions 7 about it. 8 A. Okay. 9 Q. At the -- at the very small lettering in 10 the middle of the page, it says, "2005 Official Land 11 Roll Information." Right here in the middle of the 12 page. Do you see that? 13 A. Oh, yeah. 14 Q. Okay. And it says -- if you follow the 15 -- if you follow the document down to the very 16 bottom where it says, "Acres 0, Land Value 50,000." 17 Do you see that? 18 A. Yeah. 19 Q. Do you have any reason to think that the 20 land value -- this is -- do you have any reason to 21 dispute that the land value was \$50,000 in 2005? 22 MR. EMBRY: By what standard? Market 23 value, tax value. 24 Q. This is a -- this is a tax assessor form. 25 This is a form that presumably the Harrison County</p>	<p>1 A. According to the paper it does. 2 Q. Had you ever received a copy of your tax 3 assessment on the value of your land leading up to 4 -- in the years before hurricane Katrina? 5 A. I really don't remember. 6 Q. Did you pay property tax on your land? 7 A. Yes, I did. 8 Q. Did you ever disagree with the amount of 9 property tax you paid on your land at the time? 10 A. I thought we were paying a lot of tax. 11 But the one in front of us closer to the beach was 12 paying a lot more. 13 Q. And the value of the amount of tax is 14 directly related to the value of the land and the 15 property on the land; isn't that right? 16 A. Yeah. 17 Q. Did you ever appeal and say, "I think my 18 land is worth more than this. I should be paying 19 more taxes"? 20 A. No. I thought about 1200 a month -- I 21 mean, year was enough. 22 Q. And so you paid about -- it's your 23 testimony you paid about 1200 a year in property 24 taxes? 25 A. It was around that.</p>

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<p>1 Q. Do you agree that if the value of your</p> <p>2 land and your home had been \$300,000, you would have</p> <p>3 had to have paid more; is that correct?</p> <p>4 A. I agree.</p> <p>5 MR. EMBRY: Are you talking about tax</p> <p>6 value? There's a difference, obviously.</p> <p>7 MS. LOCKE: Well, the tax assessment</p> <p>8 value, I mean.</p> <p>9 MR. EMBRY: There's a difference between</p> <p>10 that and market value.</p> <p>11 Q. (By Ms. Locke) I want to talk a little</p> <p>12 bit about the -- the MDA, Mississippi Development</p> <p>13 Authority. You applied for and received MDA grant</p> <p>14 money; isn't that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall how much money you were</p> <p>17 awarded under the MDA grant program?</p> <p>18 A. Yes.</p> <p>19 Q. How much was that?</p> <p>20 A. 150,000.</p> <p>21 Q. And that application process required you</p> <p>22 to fill out a lot of forms; is that right?</p> <p>23 A. Correct.</p> <p>24 Q. And you had to certify to a lot of things</p> <p>25 and make a lot of promises as part of that</p>	<p>1 A. Correct.</p> <p>2 Q. You had listed your Gulfport address as</p> <p>3 your mailing address; is that right?</p> <p>4 A. That's where we were living at the time,</p> <p>5 yes.</p> <p>6 Q. If you could look at section two. It</p> <p>7 says, "Grant Eligibility and Provisions." Do you</p> <p>8 see that, in the black box?</p> <p>9 A. Oh, that's number three?</p> <p>10 Q. Number two, "Grant Eligibility and</p> <p>11 Provisions." "Grant Eligibility and Provisions."</p> <p>12 A. The elevation eligibility -- yeah.</p> <p>13 Q. "Grant Eligibility and Provisions." Do</p> <p>14 you see that?</p> <p>15 A. Oh, yeah. Okay. I see it now. Yeah.</p> <p>16 Q. Okay. And then number two it says,</p> <p>17 "Elevation Eligibility Criteria." Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Did you read this form?</p> <p>20 A. I'm sure I must have.</p> <p>21 Q. Okay. So the eligibility criteria are --</p> <p>22 if you look at bullet point one, "Applicant owned</p> <p>23 and occupied his or her home as of August 29th,</p> <p>24 2005." Do you see that?</p> <p>25 A. Right.</p>
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<p>1 application process; isn't that correct?</p> <p>2 A. Yes.</p> <p>3 (Exhibit 49 - Mississippi Development</p> <p>4 Authority Flood Elevation Grant Program Application</p> <p>5 marked for identification.)</p> <p>6 Q. I'm going to hand you what's been marked</p> <p>7 as Defense Exhibit 49. Do you recognize this as</p> <p>8 your writing in the top right?</p> <p>9 A. Yes.</p> <p>10 Q. Where it says "Helen J. Politz," that's</p> <p>11 your writing?</p> <p>12 A. Yes.</p> <p>13 Q. Is it also your writing for your</p> <p>14 husband's name?</p> <p>15 A. Yes, I probably filled it out.</p> <p>16 Q. And do you see at the top of this</p> <p>17 document it says, "Mississippi Development Authority</p> <p>18 Flood Elevation Grant Program Application." Do you</p> <p>19 see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall filling out this form?</p> <p>22 A. I did fill it out.</p> <p>23 Q. Okay. Do you see in section -- when you</p> <p>24 filled it out, you listed your address at</p> <p>25 116 Winters Lane; is that correct?</p>	<p>1 Q. "The home was located in Harrison,</p> <p>2 Hancock, Jackson, or Pearl River Communities,</p> <p>3 Mississippi."</p> <p>4 A. Yes.</p> <p>5 Q. Is that correct?</p> <p>6 A. Uh-huh (affirmative response).</p> <p>7 Q. Okay. Is it a true statement that you</p> <p>8 owned or occupied your residence as of August 29,</p> <p>9 2005?</p> <p>10 A. Yes.</p> <p>11 Q. And it's true statement that your home</p> <p>12 was located in Harrison, Hancock, Jackson, or</p> <p>13 Pearl River Counties?</p> <p>14 A. Yes.</p> <p>15 Q. The third bullet says, "The home was the</p> <p>16 applicant's primary residence on August 29, 2005."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And that's a true statement?</p> <p>20 A. Yes.</p> <p>21 Q. It says, "The home was located outside</p> <p>22 the pre Katrina designated flood zone" -- "FEMA</p> <p>23 designated hundred year flood zone on August 29,</p> <p>24 2005." Is that a correct statement?</p> <p>25 A. Yes.</p>

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Page 202	Page 204
<p>1 Q. The fifth bullet says, "The home received 2 flood damage as a result of hurricane Katrina." Is 3 that a true statement? 4 A. Yes. 5 Q. "The applicant maintained homeowners 6 insurance on their home." Is that a -- that's a 7 true statement? 8 A. Yes. 9 Q. Subject to this dispute. "The homeowner 10 is being elevated in accordance with newly 11 recommended FEMA flood map and is being rebuilt in 12 accordance with the International Residential Code 13 of 2003." Do you see that? 14 A. Yes, I do. 15 Q. Okay. Do you recognize your signature at 16 the bottom of this page? 17 A. Uh-huh (affirmative response). 18 Q. And that's your signature? 19 A. Yes, I'm sorry. 20 Q. And you signed this form on January 11th, 21 2007? 22 A. Yes. 23 Q. And when you signed this form, you were 24 certifying that the above were true; is that 25 correct?</p>	<p>1 Application marked for identification.) 2 Q. I'm going to hand you what's been marked 3 as Defense Exhibit 44. This is another document 4 from your MDA grant application. Do you recognize 5 Mr. Politz's signature at the bottom of the page? 6 A. John Politz? 7 Q. Yes. 8 A. Yeah. 9 Q. And is that his signature? 10 A. Yes. 11 Q. Do you remember watching him sign this 12 page? 13 A. I don't remember. I'm sure I was with 14 him. 15 Q. Okay. If you look at item two, says, 16 "Applicant asserts and certifies that all the 17 information on this application and any attachments 18 are true to the best of the applicant's knowledge 19 and may be relied upon to provide disaster 20 assistance. All damages claimed are a direct result 21 of the declared disaster. Applicant understands 22 that he/she could lose benefits and could be 23 prosecuted by federal, state, and local authorities 24 for making false, misleading, and/or incomplete 25 statements." Do you see that?</p>
Page 203	Page 205
<p>1 A. Yes. 2 Q. Do you also recognize your husband's 3 signature on this page? 4 A. Yes. 5 Q. And he signed this? 6 A. Yes. 7 Q. Were you there when he signed it? 8 A. Yes. 9 Q. And you remember watching him sign? 10 A. Yes. 11 Q. If you look at section three where it 12 says "Grant Provisions." These are promises that 13 you made as a result of the MDA grant money. "The 14 homeowner will obtain and maintain flood insurance." 15 Do you see that? 16 A. Yes. 17 Q. And as a result of receiving MDA flood 18 money, you applied for flood insurance; is that 19 correct? 20 A. I haven't applied for it there because I 21 have no home there. 22 Q. Okay. 23 A. But when I could rebuild I would. 24 Q. Okay. You can put that document aside. 25 (Exhibit 44 - Document from MDA Grant</p>	<p>1 A. Yes, I do. 2 Q. Is your understanding that Mr. Politz 3 signed this document certifying that the information 4 in the MDA grant application was true to the best of 5 his knowledge? 6 A. Yes. 7 (Exhibit 45 - 4/19/2006 Document from MDA 8 Grant Application marked for identification.) 9 Q. I'm going to hand you what's been marked 10 as Defense Exhibit 45. This is the same document. 11 Do you recognize your signature at the bottom of 12 this document? 13 A. Yes. 14 Q. And the date says April 19, 2006. 15 A. Uh-huh (affirmative response). 16 Q. Do you see that? 17 A. Yeah. 18 Q. Do you recall signing this document? 19 A. Yeah. Evidently, I signed it at the same 20 time he signed his. 21 Q. And again, item two of the applicant 22 acknowledgment states that, "Applicant asserts and 23 certifies that all the information on this 24 application and any attachments are true to the best 25 of the applicant's knowledge and may be relied upon</p>

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<p>1 to provide disaster assistance. All damages claimed</p> <p>2 are a direct result of the declared disaster.</p> <p>3 Applicant understands that he/she could lose</p> <p>4 benefits and could be prosecuted by federal, state,</p> <p>5 and local authorities for making false, misleading,</p> <p>6 and/or incomplete statements." Do you see that?</p> <p>7 A. Uh-huh (affirmative response).</p> <p>8 Q. And did you certify that the information</p> <p>9 in your MDA grant application was true and accurate</p> <p>10 to the best of your ability?</p> <p>11 A. Yes.</p> <p>12 Q. And that's what you understood you were</p> <p>13 doing when you signed this document?</p> <p>14 A. Yes.</p> <p>15 (Exhibit 50 - MDA Document, "Closing</p> <p>16 To-Do List" marked for identification.)</p> <p>17 Q. I'm going to show you what's been marked</p> <p>18 as Defense Exhibit 50. This is also a document that</p> <p>19 we received from the MDA. If you could look at</p> <p>20 Bates number 5 at the bottom of the page. Do you</p> <p>21 recognize this document at all? It says, "Closing</p> <p>22 To-Do List." Have you ever seen this before?</p> <p>23 A. Yeah. It looks like the closing -- when</p> <p>24 they issued us the \$150,000 check. It shows that</p> <p>25 starting value of 150 and what happened to it and</p>	<p>1 loan.</p> <p>2 Q. Okay. To pay the SBA loan off; is that</p> <p>3 correct?</p> <p>4 A. I don't remember if they paid that. I</p> <p>5 think they sent it to us and we signed it on over to</p> <p>6 them.</p> <p>7 Q. Okay.</p> <p>8 A. If I remember correctly.</p> <p>9 Q. Do you know approximately what your</p> <p>10 current SBA loan balance is now?</p> <p>11 A. Right now it's I think around 195,000.</p> <p>12 Q. Of the three hundred -- approximately</p> <p>13 340,000?</p> <p>14 A. Of the 340,000.</p> <p>15 Q. So this \$139,500 was a substantial chunk</p> <p>16 to pay back the SBA; is that your understanding?</p> <p>17 A. Yes, it was.</p> <p>18 Q. And as a result of your certifying to the</p> <p>19 things we just looked at that your home was in</p> <p>20 counties and that your home received flood damage,</p> <p>21 you were able to receive this \$139,500; is that</p> <p>22 correct?</p> <p>23 A. I think I received it for a certain</p> <p>24 percentage of the whole home being destroyed. I</p> <p>25 don't think it was just on flood damages. It was</p>
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<p>1 how much they allowed us and they put it on the</p> <p>2 house we lived in.</p> <p>3 Q. When you say "they," do you mean the MDA;</p> <p>4 is that correct?</p> <p>5 A. Yeah, MDA.</p> <p>6 Q. And so it says that the starting value of</p> <p>7 your grant was \$150,000; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And it deducted \$10,500 from -- for the</p> <p>10 FEMA proceeds; is that correct?</p> <p>11 A. That's right. That paid them back for</p> <p>12 what they had given me. I didn't remember the 500,</p> <p>13 but I was so happy to get the money that I didn't</p> <p>14 fuss.</p> <p>15 Q. Sure.</p> <p>16 A. I said so much happened, I couldn't</p> <p>17 remember.</p> <p>18 Q. So your total MDA grant award was</p> <p>19 \$139,500; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Did you receive that money or did you --</p> <p>22 did that money go directly to the SBA?</p> <p>23 A. I think I received it, but we had to make</p> <p>24 it payable. I think we had to sign it and turn it</p> <p>25 over to SBA. I'm not sure. It had to go on the SBA</p>	<p>1 for a certain percentage. More than 50 percent or</p> <p>2 more than 80 percent or something like that.</p> <p>3 Q. Okay. If you look at this --</p> <p>4 A. I forgot how they based it exactly.</p> <p>5 Q. If you look at the document, look at the</p> <p>6 insurable value. Do you see at the top line it</p> <p>7 says, \$117,480. Do you see that?</p> <p>8 A. Uh-huh (affirmative response).</p> <p>9 Q. That's the SBA's assessment of what the</p> <p>10 insurable value of your home is. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. SB -- I'm sorry, I said SBA. Let</p> <p>13 me correct that. The insurable value that the MDA</p> <p>14 said on your home was \$117,480. Do you see that?</p> <p>15 A. Uh-huh (affirmative response).</p> <p>16 Q. And then the MDA multiplied that number</p> <p>17 by 1.35 and reached a value of \$158,598; is that</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And then MDA conducted a damage</p> <p>21 assessment and concluded that a hundred percent of</p> <p>22 your home was damaged. Do you see that?</p> <p>23 A. Yeah. That's what I meant. It was on</p> <p>24 some kind of percentage.</p> <p>25 Q. Okay.</p>

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<p>1 A. I don't remember exactly. I didn't</p> <p>2 remember exactly if it was 90 percent or hundred or</p> <p>3 -- or what.</p> <p>4 Q. Okay. But the -- the maximum that you</p> <p>5 could receive under the MDA is \$150,000 according to</p> <p>6 this next line. It says, "Over 150K Max." Do you</p> <p>7 see that?</p> <p>8 A. Yes.</p> <p>9 Q. So you received -- you were granted the</p> <p>10 full amount, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And you were granted that amount because</p> <p>13 you certified that your home had flood damage; is</p> <p>14 that correct?</p> <p>15 A. I guess it is. I don't remember how</p> <p>16 exactly I filled out the paper. I just showed it</p> <p>17 like it was.</p> <p>18 Q. Let's talk about a couple of your</p> <p>19 neighbors. Do you know a Mr. Donald McKinion, who's</p> <p>20 the Director of Emergency Operations Center for</p> <p>21 Jones County?</p> <p>22 A. No.</p> <p>23 Q. Do you know where Laurel, Mississippi is?</p> <p>24 A. I know the area. It's kind of north of</p> <p>25 here.</p>	<p>1 you have with Ms. Faulk?</p> <p>2 A. Very good. Nice. Nice, friendly</p> <p>3 neighbors.</p> <p>4 Q. Would you socialize with her?</p> <p>5 A. Absolutely.</p> <p>6 Q. Do you consider her a friend?</p> <p>7 A. Yes.</p> <p>8 Q. And she was in the townhome so her home</p> <p>9 was completely destroyed as well; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Do you know who she had homeowners</p> <p>12 insurance with?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Did you ever discuss homeowners insurance</p> <p>15 issues with her?</p> <p>16 A. We talked a little bit, but I never asked</p> <p>17 her who she was insured with.</p> <p>18 Q. When you talked a little bit, what did</p> <p>19 you talk about with respect to insurance?</p> <p>20 A. Well, I asked her -- I think I asked her</p> <p>21 if she had flood insurance. And I think she said</p> <p>22 yes, if I remember correctly.</p> <p>23 Q. Do you recall when you had this</p> <p>24 conversation with her?</p> <p>25 A. No, not really.</p>
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<p>1 Q. Inland, correct?</p> <p>2 A. Yeah, inland.</p> <p>3 Q. Okay. So you would agree with me that if</p> <p>4 Mr. McKinion was in Laurel, Mississippi during</p> <p>5 hurricane Katrina, there's no possible way he could</p> <p>6 have witnessed the damage to your home during that</p> <p>7 time; is that correct?</p> <p>8 A. It doesn't make any sense to me. I don't</p> <p>9 know. He might have been -- I don't know where he</p> <p>10 was at. I don't even know him.</p> <p>11 Q. Assuming for argument sake that he was,</p> <p>12 and he certifies that he was in Laurel, Mississippi,</p> <p>13 there would be no way he would be able to see the</p> <p>14 damage to your home taking place as it happened</p> <p>15 during hurricane Katrina; is that correct?</p> <p>16 A. I guess not.</p> <p>17 Q. Do you know a Ms. Ann Faulk?</p> <p>18 A. Yes, I do.</p> <p>19 Q. How do you know her?</p> <p>20 A. She's my neighbor.</p> <p>21 Q. She lived on Beach Boulevard; is that</p> <p>22 correct?</p> <p>23 A. Yes. She lived in one of the townhomes</p> <p>24 that faced Beach Boulevard.</p> <p>25 Q. Kind of -- what type of relationship did</p>	<p>1 Q. Do you know if before hurricane Katrina</p> <p>2 or after?</p> <p>3 A. Oh, it was after. We never talked about</p> <p>4 it before. We never thought it was going to happen.</p> <p>5 Q. And you believe she did have flood</p> <p>6 insurance?</p> <p>7 A. Yeah. I think she -- I think she might</p> <p>8 have been required to. I'm not sure. But if not, I</p> <p>9 guess she showed she knew more about it than I did</p> <p>10 evidently. She chose to have it.</p> <p>11 Q. Do you know how -- have you spoken with</p> <p>12 her about how her insurance claim was paid?</p> <p>13 A. No. She just said -- I said, "Did your</p> <p>14 insurance take care of you?" She said, "Yes." And</p> <p>15 I said, "Well, mine denied me." That's about what</p> <p>16 all -- I mean, we might have talked a little, but</p> <p>17 nothing stands out.</p> <p>18 Q. Do you know which insurance carrier or</p> <p>19 which policy paid her?</p> <p>20 A. No.</p> <p>21 Q. Do you know if she had a wind pool</p> <p>22 policy?</p> <p>23 A. I have no idea. I never knew about a</p> <p>24 wind pool policy until this.</p> <p>25 Q. When did -- when did you discover that</p>

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<p>1 Mrs. Faulk's claim had been paid? Was it two weeks 2 after the storm? Was it -- 3 A. Oh, no. It was probably six months 4 afterward. 5 Q. Okay. 6 A. When I moved back down here from Alabama. 7 Q. So January of 2006? 8 A. Oh, it probably wasn't quite that soon. 9 Q. Okay. Sometime in 2006? 10 A. Probably. Yeah, I would say sometime 11 during 2006. 12 Q. But long before you filed this lawsuit, 13 correct? 14 A. I don't really remember. 15 Q. You filed this lawsuit in 2008, correct? 16 A. I don't remember. 17 THE WITNESS: When did I file it? Do you 18 remember? 19 MR. EMBRY: If you don't know, don't 20 remember, that's fine. 21 A. That's fine. I think it was -- I thought 22 it was in 2007, but it could have been 2008. 23 (Exhibit 68 - Complaint marked for 24 identification). 25 Q. (By Ms. Locke) I'm going to hand you</p>	<p>1 Katrina? 2 A. I don't know of any. 3 Q. Do you know a Mr. James Schiniche? Does 4 that name sound familiar to you? 5 A. James Schiniche. 6 Q. Schiniche, S-C-H-I-N-I-C-H-E, who lives 7 in Bay St. Louis? 8 A. I've heard of him. I've heard that name, 9 but I can't think right now how it fits in. 10 Q. Is he a friend of yours? 11 A. No, he's not a friend of mine, but I've 12 heard the name. I don't really. 13 Q. Do you know a Mr. George Shole 14 (phonetic). 15 A. George Shole. 16 Q. He's the Jackson County Emergency 17 Communication Director. Do you know him? 18 A. No, I don't know him. 19 Q. Do you know a Mr. Butch Loper? Do you 20 know who that is? 21 A. No. 22 Q. Okay. I've already asked you about 23 Mr. John McCann? You don't know John McCann? 24 A. No. 25 Q. Do you know a Carol Snap?</p>
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<p>1 what's been marked as Defense Exhibit 68. And 2 unfortunately I may only have one copy. No, I have 3 more. Let me hand you what's been marked as Defense 4 Exhibit 68. This is the complaint. This is the 5 original document that was filed in this case. 6 A. Oh, in January of 2008. 7 Q. Have you seen this document before? 8 A. Yeah, think so. 9 Q. Did you review it before it was filed? 10 A. Yeah, I think so. 11 Q. So if the lawsuit -- is this consistent 12 with your memory of when the case was filed, 13 probably in January of 2008? 14 A. It sounds about right. 15 Q. So your conversation with Mrs. Faulk 16 would have been well before January 2008? 17 A. It was before this, yeah. 18 Q. Is there anything else you can remember 19 about your conversation with Mrs. Faulk about her 20 insurance claim? 21 A. No. 22 Q. Are you aware if there are any firsthand 23 accounts or eyewitnesses to damage to your home or 24 to any of the neighboring properties in the 25 immediate vicinity of your home during hurricane</p>	<p>1 A. Carol Snap. 2 Q. She worked at the Trent Lott 3 International Airport. Do you know her? 4 A. No. 5 Q. Do you know a Larry Snap? 6 A. No. 7 Q. What about George Dale, Mississippi 8 Commissioner of Insurance? Do you know him 9 personally? 10 A. No. I know he was the insurance 11 commissioner. 12 Q. But never met him personally? 13 A. Not that I remember. 14 Q. What about Lee Harrell? Do you know him? 15 A. No. 16 Q. Do you know Mr. Daniel Schroeder? 17 A. The name kind of rings a bell, but I 18 can't connect it. 19 Q. He's a gentleman who performs real estate 20 appraisals in the -- in the Mississippi area. Does 21 that help at all? 22 A. No, I can't. I don't know. 23 Q. He's not a friend of yours? 24 A. No, not a friend. 25 Q. You mentioned that Mr. Politz suffered</p>

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<p>1 from claustrophobia; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. It was pretty severe claustrophobia?</p> <p>4 A. Yes.</p> <p>5 Q. Did he have a history of claustrophobia?</p> <p>6 A. Yes.</p> <p>7 Q. How far back do you -- do you know that</p> <p>8 went?</p> <p>9 A. As long as I knew him. He'd had -- he'd</p> <p>10 been claustrophobic.</p> <p>11 Q. Did he have a history of being</p> <p>12 uncomfortable and anxious in small spaces?</p> <p>13 A. Yes.</p> <p>14 Q. Did he have trouble riding in cars at</p> <p>15 all?</p> <p>16 A. No, not -- he didn't have any trouble.</p> <p>17 Q. Not cars? What about elevators, riding</p> <p>18 in elevators?</p> <p>19 A. He did not like elevators. He got stuck</p> <p>20 in one. And anyway, he didn't like elevators.</p> <p>21 Q. Being stuck in an elevator was probably a</p> <p>22 pretty traumatic experience for him?</p> <p>23 A. Yeah.</p> <p>24 Q. What about airplanes? Did he have</p> <p>25 problems with airplanes?</p>	<p>1 know that?</p> <p>2 A. He sought treatment after the storm when</p> <p>3 he was -- had to live in a FEMA trailer for the</p> <p>4 first time, the first time he ever sought treatment</p> <p>5 for that because he was so stressed out.</p> <p>6 Q. And he was prescribed a medication?</p> <p>7 A. Yes.</p> <p>8 Q. That medication was called Xanax. Do you</p> <p>9 recall that?</p> <p>10 A. Uh-huh (affirmative response).</p> <p>11 Q. Yes?</p> <p>12 A. Yes.</p> <p>13 Q. Had Mr. Politz ever been prescribed an</p> <p>14 antidepressant like Xanax before that -- before</p> <p>15 living in a FEMA trailer?</p> <p>16 A. No.</p> <p>17 Q. And he sought treatment because he was</p> <p>18 living in the FEMA trailer and the claustrophobia</p> <p>19 made him very anxious; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. You're not blaming Nationwide for</p> <p>22 Mr. Politz's claustrophobia, are you?</p> <p>23 A. No. I'm blaming them for putting him in</p> <p>24 that position.</p> <p>25 Q. But Nationwide did not cause Mr. Politz</p>
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<p>1 A. No. He liked to fly.</p> <p>2 Q. But being stuck in a small place would</p> <p>3 cause him a lot of anxiety; is that right?</p> <p>4 A. Yeah.</p> <p>5 Q. And moving into the FEMA trailer you had</p> <p>6 mentioned caused him a lot of anxiety; is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Because of his claustrophobia?</p> <p>10 A. Well, yeah. It was small and he had</p> <p>11 problems with small spaces.</p> <p>12 Q. Yeah. The trailer was probably pretty</p> <p>13 small; is that right?</p> <p>14 A. It was.</p> <p>15 Q. Probably not a lot of room to move</p> <p>16 around; is that right?</p> <p>17 A. Not when you have to take the table out</p> <p>18 to put a chair in. You don't have much room.</p> <p>19 Q. It's probably fair to say, then, that</p> <p>20 Mr. Politz didn't have the same claustrophobic</p> <p>21 symptoms when he lived in the home in Birmingham; is</p> <p>22 that right?</p> <p>23 A. No, he didn't.</p> <p>24 Q. And Mr. Politz sought treatment for his</p> <p>25 claustrophobia from Dr. Babo. Are you -- do you</p>	<p>1 to get claustrophobia; is that correct?</p> <p>2 A. They didn't cause it. But them not</p> <p>3 paying us money caused us to have to stay in a FEMA</p> <p>4 trailer where it reacted.</p> <p>5 Q. Has any doctor ever told you that</p> <p>6 Nationwide's partial denial of your insurance claim</p> <p>7 caused Mr. Politz's claustrophobia?</p> <p>8 A. No doctor has ever told me that.</p> <p>9 Q. Did Mr. Politz ever seek treatment for</p> <p>10 depression?</p> <p>11 A. No, not before that.</p> <p>12 Q. Do you make a distinction between</p> <p>13 depression and -- and anxiety? Do you think they</p> <p>14 are the same thing?</p> <p>15 A. He was depressed. He was very depressed</p> <p>16 over what had happened to him. And the fact that we</p> <p>17 were having to live like that depressed him.</p> <p>18 Q. Do you know if any doctor ever diagnosed</p> <p>19 him with depression?</p> <p>20 A. I believe Dr. Babo did when he gave him</p> <p>21 that medication because he knew he was very</p> <p>22 depressed and anxious and claustrophobic and all of</p> <p>23 that.</p> <p>24 Q. So but it's your understanding that the</p> <p>25 prescription was not just for depression, but</p>

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<p>1 claustrophobia was a big reason, correct?</p> <p>2 A. I think it was more depression than -- I</p> <p>3 don't know. I guess it could be 50 percent. It was</p> <p>4 both.</p> <p>5 Q. Has any doctor ever told you that</p> <p>6 Mr. Politz suffered depression as a result of</p> <p>7 Nationwide's partial denial of his insurance claim?</p> <p>8 A. No.</p> <p>9 Q. Would you agree with me that losing your</p> <p>10 entire home would cause depression and anxiety?</p> <p>11 A. Well, certainly.</p> <p>12 Q. And you would agree that losing your</p> <p>13 entire community and your neighbors, your friends,</p> <p>14 that could also cause depression and anxiety?</p> <p>15 A. Yes.</p> <p>16 Q. And I imagine that -- you said you took</p> <p>17 some sentimental items with you, but I imagine you</p> <p>18 still lost some; is that correct?</p> <p>19 A. Yes. We lost so very much.</p> <p>20 Q. And losing those irreplaceable items,</p> <p>21 those can also cause depression and anxiety; isn't</p> <p>22 that the case?</p> <p>23 A. I don't think what we lost caused it. I</p> <p>24 think had -- I mean, I'm not picking on you. But if</p> <p>25 Nationwide would have paid us money at that time and</p>	<p>1 Q. Is that yes?</p> <p>2 A. Yes.</p> <p>3 Q. He also had a partial removal of his</p> <p>4 colon in approximately November 2007; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did he have any other health problems</p> <p>8 aside from these two issues?</p> <p>9 A. He had a little high blood pressure. It</p> <p>10 was contained with medication.</p> <p>11 Q. Anything else that you can think of?</p> <p>12 A. No.</p> <p>13 Q. Starting with the diabetes, do you know</p> <p>14 if Mr. Politz had a family history of diabetes?</p> <p>15 A. I think so.</p> <p>16 Q. When was his diabetes diagnosed?</p> <p>17 A. I don't know. It was diagnosed before I</p> <p>18 married him.</p> <p>19 Q. Okay. So he had -- he had the --</p> <p>20 A. He had diabetes when I married him.</p> <p>21 Q. So he had diabetes since at least 1990;</p> <p>22 is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. So you're not blaming Nationwide for</p> <p>25 Mr. Politz's type two diabetes, are you?</p>
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<p>1 let us go on with our lives, I think he could have</p> <p>2 overcome it. But they didn't, and one just topped</p> <p>3 on top of the other one. And it became a -- a</p> <p>4 bundle.</p> <p>5 Q. But you would agree that losing some very</p> <p>6 sentimental, precious items, that that could cause</p> <p>7 anxiety and sadness in your life? Do you agree with</p> <p>8 that?</p> <p>9 A. In my life, yes. In his, I had took the</p> <p>10 pictures that he wanted. I took his documents that</p> <p>11 he wanted. And I took his mother's picture. He</p> <p>12 lost his mother when he was five years old, and I</p> <p>13 took her picture for him. So he had about</p> <p>14 everything. I don't think any of that depressed</p> <p>15 him.</p> <p>16 Q. Mr. Politz also had several health</p> <p>17 problems in the years after hurricane Katrina; is</p> <p>18 that correct?</p> <p>19 A. Yes, he did.</p> <p>20 Q. Okay. He suffered from diabetes; is that</p> <p>21 correct?</p> <p>22 A. Yes, he was a diabetic.</p> <p>23 Q. That was type two diabetes; is that</p> <p>24 correct?</p> <p>25 A. Uh-huh (affirmative response).</p>	<p>1 A. No.</p> <p>2 Q. And no doctor has ever told you that</p> <p>3 Mr. Politz's type two diabetes was caused by</p> <p>4 Nationwide's partial denial of his insurance claim?</p> <p>5 A. No.</p> <p>6 Q. Mr. Politz's high blood pressure, do you</p> <p>7 know if he had a family history of high blood</p> <p>8 pressure?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know how long he had had high</p> <p>11 blood pressure?</p> <p>12 A. It developed after we were married a</p> <p>13 couple of years.</p> <p>14 Q. But well before hurricane Katrina?</p> <p>15 A. Yeah.</p> <p>16 Q. So early 1990's; is that fair to say?</p> <p>17 A. Yeah, probably in '92, '93, he developed</p> <p>18 a little high blood pressure and the doctor put him</p> <p>19 on a little medication.</p> <p>20 Q. And he was taking that medication to</p> <p>21 control his --</p> <p>22 A. Ever since, yeah.</p> <p>23 Q. Okay. So you don't blame Nationwide for</p> <p>24 Mr. Politz's high blood pressure problem, do you?</p> <p>25 A. No.</p>

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<p>1 Q. And no doctor has told you that</p> <p>2 Nationwide's partial amount caused it, correct?</p> <p>3 A. No.</p> <p>4 Q. Mr. Politz had his -- part of his colon</p> <p>5 removed in 2007. He spent several weeks in the</p> <p>6 hospital; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember why he needed to have</p> <p>9 that procedure done?</p> <p>10 A. He couldn't have bowel movements and</p> <p>11 started swelling really bad. And finally he was got</p> <p>12 to where he couldn't hardly breathe and he was</p> <p>13 hurting and I took him to the emergency room.</p> <p>14 Q. Did -- did the doctors, or do you recall</p> <p>15 what the diagnosis was?</p> <p>16 A. It was his small intestine. His colon</p> <p>17 and small intestines had kind of paralyzed.</p> <p>18 Q. Okay. And he had had a history of</p> <p>19 problems with constipation and bowel movements;</p> <p>20 isn't that correct?</p> <p>21 A. Yeah, he had -- yeah, some problems with</p> <p>22 it.</p> <p>23 Q. So do you know when -- how long of a</p> <p>24 history he had or how many -- how far those problems</p> <p>25 went back?</p>	<p>1 Things like that.</p> <p>2 Q. Anything else that you can think of aside</p> <p>3 from the short temper?</p> <p>4 A. He wanted to get out a lot. He couldn't</p> <p>5 stand to stay in that trailer.</p> <p>6 Q. Now, Mr. Politz passed away in April of</p> <p>7 this year; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Was there ever an official cause of death</p> <p>10 that was determined?</p> <p>11 A. Osteomyelitis of the backbone.</p> <p>12 Q. I don't -- I don't know what that is.</p> <p>13 A. It's a bone infection.</p> <p>14 Q. So he had an infection in his back?</p> <p>15 A. Yes.</p> <p>16 Q. Did he -- was he hospitalized before he</p> <p>17 passed away with this?</p> <p>18 A. Yes.</p> <p>19 Q. Where -- where did that happen?</p> <p>20 A. It happened in Ochsner's in New Orleans.</p> <p>21 Q. How long was he in the hospital before he</p> <p>22 passed away?</p> <p>23 A. About five months.</p> <p>24 Q. He was in the hospital consistently for</p> <p>25 five months?</p>
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<p>1 A. A few years, as he got older.</p> <p>2 Q. When you say "a few years"?</p> <p>3 A. Probably seven, eight years.</p> <p>4 Q. So before hurricane Katrina?</p> <p>5 A. Oh, yeah.</p> <p>6 Q. And so you're not blaming Nationwide for</p> <p>7 this procedure that was performed on Mr. Politz, the</p> <p>8 partial removal of his colon, that wasn't caused by</p> <p>9 Nationwide, correct?</p> <p>10 A. Oh, no, that wasn't caused by Nationwide.</p> <p>11 Q. And so aside from the diabetes, the colon</p> <p>12 problems, and the high blood pressure, any other</p> <p>13 problems that you recall that -- any other medical</p> <p>14 problems that Mr. Politz had?</p> <p>15 A. Just stress and anxiety and --</p> <p>16 Q. Let's talk about the stress and anxiety.</p> <p>17 What symptoms did Mr. Politz have as a result of</p> <p>18 that stress and anxiety?</p> <p>19 A. He'd get very, very quite. Hang his head</p> <p>20 a lot. Just think about the situation he was in,</p> <p>21 and why.</p> <p>22 Q. Did he have any physical manifestations</p> <p>23 aside from getting quiet and hanging his head as a</p> <p>24 result of the depression?</p> <p>25 A. Yeah, short-tempered. Very nervous.</p>	<p>1 A. Yes.</p> <p>2 Q. Did he pass away while he was in the</p> <p>3 hospital?</p> <p>4 A. They sent him to hospice the last two</p> <p>5 weeks after the infection reached his brain.</p> <p>6 Q. I'm very sorry. I know this is very</p> <p>7 difficult for you. And I -- I hate to ask these</p> <p>8 questions, so trust me.</p> <p>9 A. Do what you've got to do. We'll just</p> <p>10 finish it.</p> <p>11 Q. Are you claiming that Nationwide is</p> <p>12 responsible in any way for Mr. Politz's death?</p> <p>13 A. Not really his death. But I feel like</p> <p>14 they contributed to a lot of depression, a lot of</p> <p>15 anxiety. And all -- ever since Katrina until the</p> <p>16 day he died, he was a different person when he lost</p> <p>17 everything. And he had no place to go comfortable.</p> <p>18 Q. But the infection in his back, that --</p> <p>19 A. That was not caused by Nationwide.</p> <p>20 Q. Has any doctor ever said that Nationwide</p> <p>21 contributed or caused in any way Mr. Politz's death?</p> <p>22 A. No. I don't think they even knew who we</p> <p>23 had insurance with, you know.</p> <p>24 Q. Or the denial of his insurance claim by</p> <p>25 any carrier, I mean, did any doctor tell you that</p>

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<p>1 that was a contributing factor to his death?</p> <p>2 A. No. The doctor said he was very</p> <p>3 depressed and he knew he was claustrophobic. And I</p> <p>4 mentioned to the doctor that our insurance --</p> <p>5 because he mentioned something to me one time about</p> <p>6 his health depression. And I said, "Well, our</p> <p>7 insurance denied us and he's been very depressed."</p> <p>8 He was just wondering what some -- what was causing</p> <p>9 some of the depression. And that I felt might be</p> <p>10 contributing to it. And I said, "Because we can't</p> <p>11 do what we need to do and he's very uncomfortable</p> <p>12 the way he's having to live and all of that."</p> <p>13 Q. Was this conversation with Dr. Babo?</p> <p>14 A. Yes.</p> <p>15 Q. But Dr. Babo never said that Nationwide</p> <p>16 or the denial of his claim was the result of?</p> <p>17 A. No. Never said that.</p> <p>18 Q. And he never said that the denial of his</p> <p>19 claim caused his depression, did he?</p> <p>20 A. No.</p> <p>21 Q. Do you recall -- did you frequently have</p> <p>22 conversations with Dr. Babo about --</p> <p>23 A. I went in with my husband every time he</p> <p>24 saw Dr. Babo. He wanted me there. Not in the</p> <p>25 beginning of our marriage, but after the storm. He</p>	<p>1 of, sinuses and allergies. I have high blood</p> <p>2 pressure.</p> <p>3 Q. Anything else you can think of?</p> <p>4 A. No.</p> <p>5 Q. What caused -- starting with your heart</p> <p>6 surgery, what was the impetus for having heart</p> <p>7 surgery?</p> <p>8 A. I started having chest pains and went to</p> <p>9 the hospital.</p> <p>10 Q. And what did they tell you about what was</p> <p>11 wrong?</p> <p>12 A. They checked me out and they said it was</p> <p>13 my heart. And that they would try to put a couple</p> <p>14 of stints in, but they weren't able to. When they</p> <p>15 pinpointed all of the problems, the location area,</p> <p>16 they couldn't so they had to do open heart. I had</p> <p>17 some blockages behind my heart.</p> <p>18 Q. Okay. So it was your understanding you</p> <p>19 had some blockage and arteries that needed to be</p> <p>20 opened and repaired?</p> <p>21 A. Yeah, two.</p> <p>22 Q. Do you have a history of heart problems</p> <p>23 or heart disease in your family?</p> <p>24 A. No.</p> <p>25 Q. Where was the surgery performed?</p>
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<p>1 felt very humble and just totally out of control.</p> <p>2 He just -- he was so depressed he couldn't focus on</p> <p>3 everything like he wanted to. So he asked me to be</p> <p>4 there with him, so I went.</p> <p>5 Q. I want to talk about your health for just</p> <p>6 a minute.</p> <p>7 A. Sure.</p> <p>8 Q. Do you consider yourself to be in good</p> <p>9 health now?</p> <p>10 A. Pretty much.</p> <p>11 Q. You say "pretty much." What -- do you</p> <p>12 have any health problems now?</p> <p>13 A. Well, I had open heart surgery in April</p> <p>14 of '07. I think March of '07. And I have to keep</p> <p>15 in check with that. And from time-to-time I have</p> <p>16 little problems. I have an appointment with a</p> <p>17 doctor for a checkup shortly.</p> <p>18 Q. Aside from your open heart surgery, your</p> <p>19 heart problems, do you have any other health</p> <p>20 problems that you're aware of?</p> <p>21 A. I stay stressed.</p> <p>22 Q. So aside from stress and the heart</p> <p>23 surgery, do you have any other medical problems that</p> <p>24 you're aware of?</p> <p>25 A. A little allergy problem that I'm aware</p>	<p>1 A. Slidell Memorial.</p> <p>2 Q. Do you remember the doctor's name who</p> <p>3 performed the surgery?</p> <p>4 A. Dr. Eckert.</p> <p>5 Q. Eckert?</p> <p>6 A. Eckert or Eckard or something like that.</p> <p>7 Q. Okay. How did you find out that you</p> <p>8 needed the surgery?</p> <p>9 A. They told me in the hospital.</p> <p>10 Q. So did you go to the emergency room when</p> <p>11 you were having heart pains?</p> <p>12 A. I went to the emergency room.</p> <p>13 Q. You were feeling chest pains and that's</p> <p>14 what caused you to go to the emergency room?</p> <p>15 A. Well, actually, I was having chest pains</p> <p>16 and I just had a rotator cuff surgery. And I went</p> <p>17 back to my doctor for a checkup on my rotator cuff.</p> <p>18 And he noticed that I was really short of breath.</p> <p>19 And he said, "Are you out of breath?" I said,</p> <p>20 "Well, kind of." And this was a orthopedic surgeon</p> <p>21 that I was seeing. And he said, "Are you feeling</p> <p>22 all right?" I said, "Yeah, I feel fine." He said,</p> <p>23 "No, you don't." He said, "You can't hardly catch</p> <p>24 your breath." And he took me in a room and he went</p> <p>25 to get the cardiologist down the hallway, but the</p>

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<p>1 cardiologist was out that day. 2 So he said, "Come here." And I followed 3 him to a room. He did EKG on me. It come back as 4 normal. He put it in my hand and said, "Go straight 5 to the hospital and I'll call them and tell them 6 you're on your way." And so that's what -- that's 7 how I wound up in the hospital straight from the 8 doctor's office. I told him that I had had chest 9 pain coming earlier. And so anyway, the doctor is 10 the one that sent me to the hospital. 11 Q. Do you recall -- 12 A. Emergency. 13 Q. The orthopedic surgeon sent you there? 14 A. Uh-huh (affirmative response). 15 Q. Do you recall his name? 16 A. Yeah, Palo. 17 Q. Dr. Palo? 18 A. Uh-huh (affirmative response). 19 Q. Was he also at Ochsner? 20 A. Yeah, he was an Ochsner doctor. 21 Q. At Ochsner in Slidell? 22 A. Yes. 23 Q. Had you had heart problems prior to March 24 of '07? 25 A. No.</p>	<p>1 A. Yep. So I had been through a couple of 2 years of nothing but stress. 3 VIDEOGRAPHER: Off the record at 2:55. 4 End of tape five. 5 (Off the record.) 6 VIDEOGRAPHER: Beginning tape six. On 7 the record at 2:59. 8 Q. (By Ms. Locke) You said you had a 9 history of high blood pressure. How -- when did -- 10 when were you first diagnosed with high blood 11 pressure? 12 A. I'm trying to remember. In my late 40's, 13 around 50. I'd say 48 to 50, somewhere in there. 14 Q. So you've had high blood pressure for a 15 significant period of time now? 16 A. Yes, I have. 17 Q. And you -- have you taken medication for 18 it? 19 A. Yes. Once they got me -- once they 20 detected it and they got me on medication that 21 worked with me, I've been on it every since. 22 Q. About how many years has it been that 23 you've been on medication for high blood pressure? 24 A. Probably about 15, maybe 17. 25 Q. Do you believe that your high blood</p>
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<p>1 Q. Do you blame Nationwide for your having 2 to undergo heart surgery? 3 A. Yes. 4 Q. You do. Tell me why. 5 A. Because they stressed me out so much. 6 Q. And you believe that the stress caused 7 the blockage in your heart? 8 A. Yes. 9 Q. Has any doctor ever told you that stress 10 caused the blockage in your heart? 11 A. No. 12 Q. Has any doctor told you that Nationwide 13 or -- let me restart. 14 Has any doctor ever told you that the 15 stress resulting from your partial denial of your 16 insurance claim caused the blockage in your heart? 17 A. No. 18 VIDEOGRAPHER: Two minutes. 19 Q. So aside from the stress that you feel, 20 do you have any other reason to think or any other 21 reason to support your claim that Nationwide is 22 responsible for your heart surgery? 23 A. I never had it before. 24 Q. Again, your heart surgery was in March of 25 '07; is that correct?</p>	<p>1 pressure is any way related to your heart problems? 2 A. I don't know. 3 Q. Do you blame Nationwide for your high 4 blood pressure? 5 A. No. 6 Q. Has any doctor told you that Nationwide 7 is responsible or the denial of your insurance claim 8 has contributed to your high blood pressure? 9 A. No. 10 Q. Have you had your high blood pressure 11 checked consistently from after hurricane Katrina to 12 the present day? 13 A. Yeah. 14 Q. How often do you go get those checks? 15 A. About once every six months. And since 16 my heart surgery I go about every four months. 17 Q. Do you recall the trend of those readings 18 from after hurricane Katrina to now? 19 A. Yeah. It's -- they've never had to 20 increase it or decrease it. 21 Q. When you say -- 22 A. The blood pressure has stayed the same. 23 Q. So your blood pressure has stayed pretty 24 consistent since hurricane Katrina; is that correct? 25 A. It's been consistent.</p>

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<p>1 Q. And you haven't had to increase your 2 medication for it; is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. And you would agree with me that 5 stress --</p> <p>6 A. Once I had my heart surgery, I got put on 7 another one also. I stayed on the same one, but he 8 put me on another one too.</p> <p>9 Q. So after your heart surgery you're now 10 taking two medications for high blood pressure; is 11 that correct?</p> <p>12 A. Yes.</p> <p>13 Q. You would -- you would agree with me that 14 stress could cause an increase in blood pressure; is 15 that correct?</p> <p>16 A. Yes. Possibly. I mean, I don't know.</p> <p>17 Q. You don't know or --</p> <p>18 A. I can't deny it. I mean, you know, I 19 just don't know.</p> <p>20 Q. That's common knowledge, right?</p> <p>21 A. Yeah.</p> <p>22 Q. That stress can lead to high blood 23 pressure; is that right?</p> <p>24 A. I heard it has, but I had my high blood 25 pressure before I started having stress, so.</p>	<p>1 wound up in the hospital for two days. And that's 2 when I met him.</p> <p>3 Q. When did you have a problem?</p> <p>4 A. It was in late July.</p> <p>5 Q. Of '08?</p> <p>6 A. Yeah.</p> <p>7 Q. And what was that -- what was that 8 problem?</p> <p>9 A. Well, I was having chest pains. I 10 thought it was my heart and they did all kind of 11 tests on me, but it was acid reflux. But -- but I 12 met a new heart doctor during that time. And he did 13 some tests and he ruled it out. Everything was fine 14 with me heart.</p> <p>15 Q. And this was Dr. Bernstein?</p> <p>16 A. Yeah. And so I've been using him since 17 because I was needing a new cardiologist. Mine had 18 left Ochsner's and I don't know where he went.</p> <p>19 Q. Is Dr. Bernstein at Ochsner?</p> <p>20 A. No, he's not at Ochsner, but I can use 21 him because he's on -- he's -- in other words, he 22 tends to Ochsner patients, but he doesn't work at 23 their facility. He has his own place at the -- 24 right down from the hospital where he -- where I met 25 him at Slidell Memorial.</p>
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<p>1 Q. And since you've started having stress, 2 your high blood pressure has not increased?</p> <p>3 A. No.</p> <p>4 Q. That's not correct?</p> <p>5 A. Oh, that's correct, yeah. It has not 6 increased that I know of.</p> <p>7 Q. At this point, I would like to again 8 reserve our rights to reopen this deposition. We've 9 requested documents regarding health problems for 10 which physical manifestations of emotional distress 11 that plaintiff has claimed Nationwide is responsible 12 for. We have not received any of your medical 13 records. We have not received any disclosure as to 14 who your doctors were for your heart problems. So 15 we have not been able to seek those medical records.</p> <p>16 A. Oh, okay.</p> <p>17 Q. So --</p> <p>18 A. Dr. Bernstein is my heart doctor right 19 now.</p> <p>20 Q. Dr. Bernstein. And where does he 21 practice out of?</p> <p>22 A. He practices in Slidell, Louisiana.</p> <p>23 Q. Is he --</p> <p>24 A. But he did not do the surgery on me. I 25 forgot I had a little problem awhile back and I</p>	<p>1 Q. So your surgery was at Slidell Memorial. 2 Where did you go on the last most recent two-day 3 stay at the hospital? Where was that?</p> <p>4 A. Slidell Memorial.</p> <p>5 Q. Who was your cardiologist before 6 Dr. Bernstein?</p> <p>7 A. Dr. Mace, James Mace.</p> <p>8 Q. And he was at Ochsner?</p> <p>9 A. He was at Ochsner. And Dr. Eckert was 10 the cardiovascular doctor that did the surgery on my 11 heart. Those two.</p> <p>12 Q. How long did you see Dr. Mace before -- 13 before you were seeing Dr. Bernstein?</p> <p>14 A. About six months I guess. Or maybe a 15 little longer.</p> <p>16 Q. Do you recall who your cardiologist was 17 before Dr. Mace?</p> <p>18 A. I didn't have one.</p> <p>19 Q. Okay. So this was -- this is -- Dr. Mace 20 was your first doctor in March of '07 when you had 21 your first problems?</p> <p>22 A. Yeah. Uh-huh (affirmative response).</p> <p>23 Q. How did you monitor your high blood 24 pressure before March of '07? Was that through just 25 your general doctor?</p>

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<p>1 A. Through the general doctor. And when I'd 2 go fill up prescriptions, I'd check at -- at those 3 little drug stores. 4 Q. But you didn't see a specialized heart 5 doctor before March of '07? 6 A. No, never needed to. 7 Q. You also said that you suffer from 8 allergies? 9 A. Uh-huh (affirmative response). 10 Q. You don't blame Nationwide for your 11 allergies, do you? 12 A. No. I had them way before Nationwide. 13 Q. You also mentioned a rotator cuff 14 problem. 15 A. Yeah. 16 Q. When did that happen? 17 A. I was recovering from -- I had one about 18 five years ago. And this one was hurting me again 19 when Katrina hit. And I had to put it off for 20 awhile and it got so bad I couldn't stand the pain a 21 couple of years later. So I went in and had the 22 surgery on it probably about a month or six weeks 23 before my heart surgery hit. 24 Q. Okay. Do you -- you don't blame 25 Nationwide for your rotator cuff problems, do you?</p>	<p>1 Q. Again, this is another thing that hasn't 2 been disclosed to Nationwide in your -- in your 3 papers. When did you first seek treatment for 4 depression? 5 A. Probably about a year ago. 6 Q. So that would have been? 7 A. It was after my heart surgery. 8 Q. November or so of 2007; is that right? 9 A. Yeah, something like that. 10 Q. What doctor did you see? 11 A. Dr. Babo. 12 Q. Did he diagnose you as -- with 13 depression? 14 A. Yes. I told -- I told him how I was 15 feeling. Very upset. Crying a lot. My husband was 16 very sick at the time. And I was recuperating from 17 heart problems. And I got stressed out. 18 Q. You'd agree that your husband's 19 significant health problems -- 20 A. That stressed me too. 21 Q. -- likely -- likely contributed to your 22 stress; is that right? 23 A. Yes. 24 Q. Contributed to your depression? 25 A. Uh-huh (affirmative response).</p>
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<p>1 A. No. 2 Q. Okay. Where did you have surgery on your 3 rotator cuff? 4 A. At Covington at the Ochsner Clinic in 5 Covington as an outpatient. 6 Q. So aside from your heart surgery, the 7 stints that were put in your heart for blockages, 8 the allergies, the high blood pressure, and the 9 rotator cuff problems, are there any other problems, 10 health problems that you have for which you are 11 claiming Nationwide caused or partially responsible 12 for? 13 A. I'm not claiming that -- that they are 14 responsible for my high blood pressure and my 15 allergies or anything. Just stress that may have 16 led to my heart problems. That's all. 17 Q. Have you ever been diagnosed with 18 depression? 19 A. No. 20 Q. Have you ever sought treatment for 21 depression? 22 A. Not until I -- well, I have, but not 23 until after Katrina. 24 Q. You have sought treatment for depression? 25 A. I'm on Prozac right now.</p>	<p>1 Q. Is that correct? 2 A. Yes. 3 Q. And obviously, his passing also 4 contributed to that? 5 A. Very much. 6 Q. And you're currently taking Prozac; is 7 that correct? 8 A. Yes. I think it's Prozac. It's a 9 generic name for it, but I don't remember what it 10 is. 11 Q. When did you first -- when were you first 12 prescribed Prozac? 13 A. It hasn't been too long ago. I was on 14 something else for awhile and I couldn't see where 15 it was helping me so I decided to get off of it. 16 And so I gradually got off of it. And then I 17 started having crying spells where I'd cry for two 18 or three days, stay very depressed, and nervous. 19 And so I called him back and that must have been 20 about a month ago. 21 Q. So you've been on Prozac for a month now? 22 A. Yeah, about like that. 23 Q. Do you recall the name of the drug you 24 were taking before you were on Prozac? 25 A. I don't remember. I got -- it's all in</p>

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<p>1 Dr. Babo's records, I'm sure. He's the one that 2 prescribed it. 3 Q. Do you recall when that medication was 4 prescribed for the first time? 5 A. Probably about a year ago. 6 Q. You said you have crying spells. What 7 other symptoms do you have as a result of your 8 depression? 9 A. Nervousness, anxiety. The least little 10 thing makes me cry. 11 Q. But you don't blame Nationwide for all of 12 your depression, do you? 13 A. No, no. 14 Q. If you could apportion out percentage of 15 it, how much of your depression do you think 16 Nationwide is responsible for? 17 A. I think probably about 50 percent because 18 of the position I'm in. And by them not taking care 19 of their duties like I felt like they should -- 20 Q. So -- 21 A. -- led to a lot of the other problems 22 that's causing me stress. 23 Q. Let me -- I'm not trying to be harsh 24 here. 25 A. Okay.</p>	<p>1 A. No. 2 Q. Ever seen a social worker for it? 3 A. I saw one in Alabama when I was there. 4 Just she was onsite. I didn't make an appointment 5 or nothing. 6 Q. This was immediately after the storm? 7 A. Yeah. 8 Q. And that's because you were anxious about 9 losing your home, correct? 10 A. Well, sure. I didn't know where my life 11 was going. I didn't know any -- where I was going 12 to go, what was going to happen, anything. 13 Q. Did Mr. Politz ever seek counseling for 14 his depression? 15 A. No. 16 Q. Did you ever encourage him to seek 17 counseling for his depression? 18 A. Not really. He didn't believe in it. 19 Q. So you never said to him, "Hey, I really 20 think you should go talk to someone about this. It 21 might make things better"? 22 A. I have asked him if he would like to go 23 to counseling or to try counseling, that maybe we 24 could get someone, you know, to do the counseling 25 for him or something, to help him try to understand</p>
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<p>1 Q. But you've lost your home and a lot of 2 your personal belongings. You've had to move 3 several times. You lived in a FEMA trailer. You've 4 lost your husband. And you're claiming that 5 Nationwide is 50 percent responsible for the stress 6 because of partial denial of your insurance claim? 7 A. Well, if tonight you had to leave with 8 nothing on but a pair of shorts and a pair of thongs 9 and you woke up tomorrow morning and you had nothing 10 left, no neighborhood, no job, nothing. And you had 11 insurance that you thought was going to take care of 12 you and it denies you, don't you think that would 13 stress you out? I mean, I'm not being ugly either. 14 Q. No. 15 A. I'm not trying to be harsh. I'm just 16 asking. 17 Q. But the loss of your home and loss of 18 your personal items, that's not Nationwide's fault, 19 correct? 20 A. No, it's not their fault, but it's their 21 fault that I had to live like I've had to live. 22 Q. Have you ever sought counseling for your 23 depression? 24 A. No. 25 Q. You've never seen a psychiatrist?</p>	<p>1 why he's so depressed and all this. And he said, 2 "No, it's nobody's problem but mine." 3 Q. Is there anything else -- and thinking 4 about the questions that I've asked you today, is 5 there anything else that you think that we need to 6 know about your claim? 7 A. I think you know everything. More than I 8 know. 9 Q. All right. Why don't we -- why don't we 10 take a quick break? I'm going to just look at my 11 notes. Make sure I've covered everything I need to 12 cover, but I think we're probably done here. 13 A. Okay. 14 VIDEOGRAPHER: Off the record at 3:14. 15 (Off the record.) 16 VIDEOGRAPHER: On the record at 3:20. 17 Q. (By Ms. Locke) Mrs. Politz, thank you 18 very much for your time this afternoon. You've been 19 very patient with me. 20 A. You're welcome. 21 Q. At this time, I don't have any further 22 questions. I have reserved the right to reopen the 23 deposition based on the medical records. And so I 24 may see you in the future. 25 A. Okay. I do have one thing to bring up</p>

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